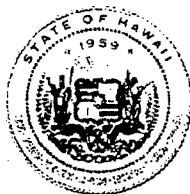

APPENDIX J

CULTURAL RESOURCES

BENJAMIN J. CAYETANO
GOVERNOR OF HAWAII



STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

GILBERT S. COLOMA-AGARAN, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCES MANAGEMENT

DEPUTIES
ERIC T. HIRANO
LINNEL NISHIOKA

June 25, 2002

HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING, ROOM 555
901 KAMOKILA BOULEVARD
KAPOLEI, HAWAII 96707

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND RESOURCES
ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND
STATE PARKS

William R. Puttmann, Jr.
Colonel, US Army
Commanding
Department of the Army
Headquarters United States Army Garrison, Hawaii
Schofield Barracks, Hawaii 96857-5000

LOG NO: 30139 ✓
DOC NO: 0206EJ25

Dear Colonel Puttmann:

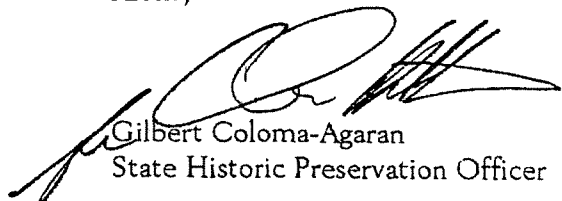
SUBJECT: National Historic Preservation Act Section 106 Review - Notice of Intent
(NOI for Proposed Second Brigade Transformation in Hawaii
Oahu and Hawaii Island)

Thank you for your letter and accompanying documents on the Second Brigade 25th ID (Light) transformation to an Interim Brigade Combat Team (IBCT). These documents provide additional information about the transformation activities and identify potential adverse impacts during development of an Environmental Impact Statement (EIS) for this action. The documents include proposed changes to ranges, facilities and infrastructure at military installations on Oahu and Hawaii Islands to support the IBCT operation.

The Army has identified that potential impacts of these projects could include historic and cultural impacts. Under Section 106 of the National Historic Preservation Act of 1966, the Department of the Army is required to take into account the effects of their undertakings on historic properties. Thus, the State Historic Preservation Office looks forward to receiving from the Department of the Army their determination on the effect the individual undertakings may have on significant historic properties.

Should you have any questions about archaeology, please feel free to call Ross Cordy, Branch Chief for Archaeology at 692-8025. Should you have any questions regarding architecture please feel free to contact Carol Ogata at 692-8032. Should you have any questions about burial matters, please feel free to contact Kai Markell at 587-0008. Should you have any questions about cultural matters, please feel free to contact Nathan Napoka at 587-0040.

Aloha,


Gilbert Coloma-Agaran
State Historic Preservation Officer

EJ:jk

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PROGRAMMATIC AGREEMENT

DRAFT PROGRAMMATIC AGREEMENT, VERSION 16 MAY 2003

INITIAL CONSULTATION LETTER, 29 JANUARY 2003

**CONSULTATION ON THE DRAFT PROGRAMMATIC AGREEMENT LETTER, 20
MARCH 2003**

**LETTER REQUESTING CONCURRENCE ON NO HISTORIC PROPERTIES
AFFECTED, 13 MAY 2003**

**ADVISORY COUNCIL ON HISTORIC PRESERVATION (ACHP) COMMENTS ON 18
MARCH 2003 DRAFT PROGRAMMATIC AGREEMENT, 25 APRIL 2003**

**STATE OF HAWAII, OFFICE OF HAWAIIAN AFFAIRS (OHA) COMMENTS ON 18
MARCH 2003 DRAFT PROGRAMMATIC AGREEMENT, 7 MAY 2003**

**OAHU AND HAWAII BURIAL COUNCILS COMMENTS ON 18 MARCH 2003 DRAFT
PROGRAMMATIC AGREEMENT, 17 APRIL 2003**

**POHAKULOA TRAINING AREA (PTA) CULTURAL ADVISORY GROUP COMMENTS
ON 18 MARCH 2003 DRAFT PROGRAMMATIC AGREEMENT, 7 APRIL 2003**

**O'AHU CULTURAL ADVISORY GROUP COMMENTS ON 18 MARCH 2003 DRAFT
PROGRAMMATIC AGREEMENT, 6 MAY 2003**

**ROYAL ORDER OF KAMEHAMEHA COMMENTS ON 18 MARCH 2003 DRAFT
PROGRAMMATIC AGREEMENT, 28 APRIL 2003**

Note to Reviewers

In January 2003, U.S. Army Hawaii initiated consultation on a programmatic agreement (PA) to address Section 106 consultation requirements under the National Historic Preservation Act of 1966, as amended (NHPA) for the Proposed Transformation. These consultations are ongoing.

The draft PA provided here, dated 18 March 2003, was current when this document was printed. Because consultation on the PA is ongoing, **this draft PA may have been revised since that time.** For the most recent version of the PA, visit the SBCT EIS website at <http://www.SBCTEIS.com>, request a copy via e-mail from SBCT_EIS@usace.army.mil, or request a copy via telephone or in writing from:

Ms. Cindy Barger
SBCT EIS Project Manager
U.S. Army Corps of Engineers
Honolulu District
CEPOH-PP-E, Building 230
Ft. Shafter, HI 96858
(808) 438-4812

Draft

**Programmatic Agreement (PA)
among the United States Army Garrison, Hawaii,
the Hawaii State Historic Preservation Office and the Advisory Council on Historic
Preservation for Section 106 Responsibilities for the Army Transformation of
the 2nd Brigade, 25th Infantry Division (Light) to a Stryker Brigade Combat Team
(SBCT)**

WHEREAS, on April 11, 2002, the Department of the Army (Army) issued its Record of Decision to proceed with a multi-year, phased, and synchronized process to transform the Army; and

WHEREAS, Army Transformation initially involves converting six Army brigades to Stryker Brigade Combat Teams (SBCT); and

WHEREAS, one of the six brigades identified by the Army for conversion to an SBCT is the Second (2nd) Brigade of the 25th Division (Light) (25 ID (L)), subject to evaluation of the potential effects of project and site specific proposals for transformation actions pursuant to the National Historic Preservation Act of 1966, as amended; and

WHEREAS, the U.S. Army Garrison, Hawaii (Installation), by and through the Installation Commander, proposes to implement the Department of the Army decision to convert the 2nd Brigade of 25th ID (L) to an SBCT; and

WHEREAS, twenty-eight (28) currently planned SBCT projects, listed in Appendix A, the introduction of the Stryker vehicle, and any future SBCT projects or activities, with potential adverse effects to historic properties within their areas of potential effects (APEs) are located at various installations and sites on the islands of O'ahu and Hawai'i, and

WHEREAS, the Installation has determined that the implementation of these projects has the potential to adversely affect historic properties within their respective areas of potential effect (APEs) as indicated in Appendix A; and

WHEREAS, the Installation has consulted with the State Historic Preservation Officer (SHPO), Office of Hawaiian Affairs (OHA), Royal Order of Kamehameha I (ROOK), Oahu Council of Hawaiian Civic Clubs (OCHCC), O'ahu Island Burial Council (OIBC), and Historic Hawaii Foundation (HHF), pursuant to Section 800.14 of the regulations (36 CFR Part 800), implementing Section 106 of the National Historic Preservation Act (16 USC 470f) and Section 110 of the National Historic Preservation Act, and invites them to concur in this programmatic agreement (PA); and

WHEREAS, The Installation has consulted with interested parties, Native Hawaiian organizations, families and individuals identified in Appendix G that attach traditional cultural and religious significance to cultural sites within the various project Apes and invites them to concur in this programmatic agreement (PA); and

WHEREAS, the consulting parties agree that because of the long time period and broad geographical extent of projects required to convert the 2nd Brigade of the 25th ID (L) to an SBCT, it is appropriate to set forth processes in this PA for the identification, evaluation, treatment, and management of historic properties (the Act, Section 301(5), 16 USC 470w) including properties of traditional religious and cultural significance (referred to as traditional cultural properties or TCPs) to Native Hawaiian organizations, families and individuals (the Act, Section 101(d)(1)(A), 16 USC 470a); and

WHEREAS, the definitions provided in Appendix E are applicable throughout this Programmatic Agreement.

NOW THEREFORE, the Installation, the SHPO, Advisory Council on Historic Preservation (ACHP), OHA, ROOK, OCHCC, and OHBC agree that Section 106 compliance for potential historic properties within the areas of potential effects of **SBCT** projects on the islands of O’ahu and Hawai’i will be administered according to the following stipulations to satisfy Installation’s Section 106 responsibilities for all individual undertakings associated with the conversion of the 2nd Brigade of the 25th ID (L) to an SBCT.

STIPULATIONS

The U. S. Army Hawaii will insure that the following measures are carried out:

I. Applicability.

A. The terms of this agreement apply to a program to convert the 2nd Brigade of the 25th ID (L) to an SBCT at various installations and sites on O’ahu and Hawai’i, listed in Appendix A, and to take into account the effects of this program on historic properties within the areas of effect of projects associated with SBCT.

B. Only those resources that are listed on or meet the eligibility criteria for listing in the National Register of Historic Places (National Register) are historic properties, and a subset of these are traditional cultural properties.

C. This PA is subordinate to any rights Native Hawaiians and Native Hawaiian organizations may have under federal law as stipulated in CRF 800.2 (c) (ii) (B).

II. Planning and Coordination of Installation Activities to Implement SBCT.

A. Personnel.

(1) The Installation will employ, maintain a contract with, or obtain through other means, qualified professionals who meet the Secretary of the Interior's Professional Qualifications Standards (48 FR 44738-9) in disciplines appropriate to carry out the installation's NHPA responsibilities regarding identification and evaluation of historic properties and assessment and treatment of effects to such properties. Consultation with Native Hawaiians concerning the identification of sites of traditional and cultural importance is recognition of their expertise in these areas.

(2) The Installation will ensure that the Cultural Resources Manager (CRM) participates in installation-level planning for proposed projects and activities related to SBCT that may affect historic properties

B. Planning.

(1) The Installation will ensure that documents pertaining to the proposed SBCT projects are analyzed by the CRM to identify specific undertakings that may be subject to review pursuant to the terms of this PA throughout conversion of the 2nd Brigade 25th ID (L) to an SBCT. The documents to be analyzed will include but are not limited to military construction plans, troop training and range operation plans, Integrated Natural Resource Management Plans, ITAM program plans, tenant activities, and historic property renovation and demolition plans, insofar as these pertain to the conversion of the 2nd Brigade of the 25th ID (L) to an SBCT.

(2) The Installation will ensure that schedules and priorities are established and documented for identification, evaluation, and treatment of historic properties within the 28 APEs. The Installation will ensure that all relevant Installation offices are informed of the schedules and priorities, the potential of these undertakings to affect historic properties, the requirement to ensure that an analysis of alternatives is fully considered as early as possible in project planning, and of the requirement to complete the review of the undertaking pursuant to this PA.

(3) The Installation will ensure that the undertakings identified herein and all related activities are planned, reviewed, and carried out according to the terms of this PA.

III. Consultation with Native Hawaiians

A. The Installation will identify Native Hawaiian organizations, families and individuals that may ascribe traditional religious and cultural significance to historic properties within the APEs of the SBCT projects.

B. The Installation will consult with such Native Hawaiian organizations, families and individuals to solicit their assistance and advice in identifying properties of traditional religious and cultural significance within the proposed projects' APEs and in resolving concerns regarding confidentiality of information on historic properties.

C. When an undertaking may affect historic properties of traditional cultural and religious importance to Native Hawaiians, the Installation will afford Native Hawaiian organizations, families and individuals the opportunity to participate as consulting parties in identification and evaluation of properties, and assessment and treatment of effects.

(1) The Installation, to show an understanding of the significance and respect that cultural resources, including burials, play in the lives of Native Hawaiians will work with a Cultural Monitor chosen from a list of available Cultural Monitors generated by the Native Hawaiian communities from the area of concern, and provided to the Installation. Contracts for cultural monitoring services will be awarded pursuant to the Federal Acquisition Regulation (FAR) and implementing policy.

(2) The Installation will provide timely notification of all site-specific projects and access for the participation of a Cultural Monitor.

(3) A Cultural Monitor will demonstrate: 1. A cultural affiliation with the affected project area; 2. Familiarity with the affected and anticipated cultural properties in the project area; and 3. Sensitivity and the ability to represent and communicate with the Installation on behalf of the Native Hawaiian community.

(4) During construction activities which are likely to impact Native Hawaiian cultural sites if they are present, the Cultural Monitor will be utilized to provide additional assurances to the Native Hawaiian community that important resources are being properly treated. A Cultural Monitor will act as an independent observer who is both knowledgeable and sensitive to Hawaiian site management and who has the trust of members of his community. The Cultural Monitor will work closely with archaeologists to provide a liaison with the Native Hawaiian community when cultural sites are discovered or inadvertently impacted, and assist in the identification and treatment of such sites.

(5) The Cultural Monitor will be available for the duration of the construction phase of the project and coordinating closely with the Installation CRM. In areas where safety concerns are present the Cultural Monitor must have completed appropriate health and safety training and provide certification of this training. Cultural Monitors must consider the working environment and dress accordingly.

IV. Identification and Evaluation of Historic Properties in the remaining APEs where historic properties are likely to occur.

A. General.

(1) All identification and evaluation of cultural resources for undertakings occurring as a result of SBCT will be conducted according to the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation.

(2) The Installation will, complete identification and evaluation of historic properties prior to implementation of SBCT undertakings.

B. Inventory

(1) Phase I inventory efforts will include, but are not limited to, the examination and synthesis of existing information such as photographs, maps, drawings, archival research, oral histories, condition assessments of buildings and data results of pedestrian survey.

(2) Consult with Native Hawaiian organizations, families and individuals to assist with identifying properties of traditional religious and cultural importance.

(3) Phase I inventories to identify cultural resources within the APEs of all the SBCT Transformation project sites, as identified in Appendix A, are complete and draft and final report submittals will be provided to the SHPO, OHA, ROOK, OCHCC, OIBC, HHH and consulting parties as per Appendix G.

C. Evaluations of Significance for Properties- Phase II Inventory

(1) Initial surveys have identified cultural resources that need to be evaluated in the proposed project APEs.

(2) Phase I inventories have resulted in the identification of cultural resources listed in Appendix B. The Installation will apply the installation historic context and other evaluation methods listed below to the criteria of eligibility outlined in 36 CFR Part 63 to make a determination of eligibility for the National Register of Historic Places for these, and other resources, identified in future surveys.

(a) Use of the installation historic context prepared for Integrated Cultural Resources Management Plan (ICRMP), which includes the cultural landscape, as the basis for Installation identification, determinations of eligibility and treatment of all historic properties.

(b) Testing to determine the depth, aerial extent, and age of cultural deposits at archeological sites to clarify site boundaries and determine site integrity.

(c) Assessing information provided by Native Hawaiian organizations, families, and individuals, and collecting further oral histories and archival information on identified traditional cultural properties and sacred sites, as required.

(d) Preparing historic structure reports and condition assessments to determine/assess the significance of historic buildings and structures.

(e) Such other methods as the parties may agree upon in this consultation.

(3) The results of these evaluations will form the basis to determine the eligibility of these properties for listing on the National Register of Historic Places.

D. Determinations of Eligibility

(1) If evaluation efforts result in the identification of properties that are eligible for the National Register, the Installation will update its existing inventory to include these properties and, at the request of the appropriate Native Hawaiian organizations, families and individuals, the existence and location of such properties will be available only for Installation planning purposes and will not be disclosed to the public.

(2) Results of evaluations of site significance and determinations of eligibility by the Installation will be documented in a report, which will be made available to the consulting parties to this PA.

E. Procedures for assessing effect

(1) The Installation's CMR, using available professional expertise, assesses effects of all undertakings on historic properties and properties of traditional religious importance and sacred sites.

(2) If "no effect to historic properties" determination is made, CRM will document finding of no historic properties affected and provide notice to the SHPO and other consulting parties. If within 30 days, no objection to "no effect" determination is made, Installation proceeds to implement proposed activity. (.

(3) If a "no adverse effect" determination is made, the CRM will notify the SHPO and other consulting parties and provide for a 30-day review. If within 30 days, no objection to "no adverse effect" determination is made, Installation proceeds to implement proposed activity.

(4) If SHPO or other consulting parties disagree with a "no effect to historic properties" or "no adverse effect" determination, they must notify the Installation within 30 days review period documenting the reason for the disagreement.

(a) The installation reviews the documentation and revises the initial determination; or

(b) SHPO or other consulting parties may forward the documentation to the ACHP for a 30 day review period.

(c) ACHP reviews the documentation and recommendations to Installation. Installation considers ACHP's views before proceeding.

(5) If implementation of the proposed project or activity will result in an adverse effect, the Installation will modify the project or activity to mitigate the adverse effects wherever possible and practical as determined by the Installation. The Installation consult on other mitigation measures only for historic properties that cannot be avoided and implement mitigation measures in accordance with the results of the consultation and/or Stipulation IV (7) (a-c).

(6) If an adverse effect to a historic property cannot be resolved by modifying the project, the Installation implement either the following mitigation measures or others developed in consultation with SHPO, OHA, ROOK, OCHCC, OIBC, and ACHP, as applicable, prior to the initiation of the activity affecting the historic property.

(a) For archaeological sites, data recovery measures may be implemented as mitigation. A data recovery plan will be developed by the CRM, in consultation with the SHPO and other interested parties, and implemented by the Installation.

(b) For historic buildings, documentation of the affected structure will be carried out by the CRM, in accordance with appropriate HABS/HAER standards developed through consultation with the SHPO.

(c) For TCPs, traditional information related to the property will be collected through oral history interviews and archival research in Hawaiian and English texts.

(d) Archeological site protection measures may be developed. Short-term measures, such as monitoring, will be followed during construction of SBCT Transformation projects and facilities. Long-term measures will be followed during training exercises and other on-going uses. Examples of Long-Term measures might include establishing buffer zones around archaeological and cultural sites or to identify such areas as mine fields for training purposes.

(e) Prior to any training exercise, existing site protection measures would be reviewed by training personnel, summarized and disseminated to training units.

(f) Any mitigation measures developed in consultation will be documented in a formal mitigation plan, reviewed by all parties to this PA, signed and approved by the Installation Commander, and implemented through the Installation Cultural Resources Management Program.

(g) Historic properties, including TCPs, in SBCT Transformation project areas will be monitored by the Installation CRM or by personnel delegated by the CRM. Monitoring will be done in accordance with Appendix C.

(h) The Installation will provide all relevant offices at the installation, including fire-fighting, range, and training personnel, with copies of the site protection measures that are developed.

F. Treatment of Human Remains - Not intended to implement or replace Native American Graves Protection and Repatriation Act (NAGPRA) process.

If human remains are inadvertently discovered during implementation of an undertaking or program activity, the Installation will ensure that all activity in the area immediately surrounding the discovery ceases and the appropriate installation CRM is notified of the find. Installation will ensure that the remains are secured from further disturbance or vandalism and covered for protection from the elements until the Installation has consulted according to the Inadvertent Discovery Plan included in Appendix D and will determine the appropriate treatment in consultation with the Oahu and Hawaii Island Burial Councils and identified lineal descendants.

V. Additional Installation Management and Coordination Activities.

A. Project Monitoring.

(1) The Installation will insure all excavations during construction of projects associated with the conversion of the 25th ID (L) in areas of high archaeological sensitivity, will be monitored by an archaeologist and the Cultural Monitor..

(2) The Installation will insure that the CRM is staffed adequately to undertake the monitoring activities and produce written monitoring reports annually of monitoring activities, and will provide copies of these monitoring reports to the SHPO, OHA, ROOK, OCHCC, OIBC and other concurring parties to this PA. These reports will be contained in annual report on PA activities outlined in Stipulation VII (B) (1).

(3) The removal of unexploded ordnance to clear an area for a new use may be an undertaking and require Section 106 review. Accordingly, the Installation will insure that archeological monitoring occurs during construction, following UXO removal actions.

B. Exempt Activities.

The parties to this PA have consulted and agree that certain routine activities may be exempt from consultation under this PA. These activities include:

(1) Maintenance activities in areas that previously have been landscaped may be maintained by tree trimming, grass mowing and cutting, and similar basic landscape maintenance activities.

(2) Previously paved areas such as roads, parking areas, and paths may be maintained and repaved and / or resurfaced provided that heavy equipment is restricted to use in previously disturbed areas.

(3) Existing military facilities that have not been determined to be historic properties may be maintained and repaired. These facilities include but are not limited to buildings, water, sewer, telephone and communications lines and infrastructure, gas and electric utilities infrastructure.

(4) Continued use of impact areas, firing ranges, and other designated surface danger zones.

VII. Administrative Stipulations

A. Anti-Deficiency Act Compliance.

The stipulations of this PA are subject to the provisions of the Anti-Deficiency Act. If compliance with the Anti-Deficiency Act alters or impairs Installation's ability to implement the stipulations of this PA, Installation will consult according to the amendment and termination procedures found at Stipulations VI. F and G of this PA.

B. Reporting and Annual Review.

(1) The Installation will provide the SHPO, OHA, ROOK, OCHCC, OIBC, ACHP and other concurring parties with an annual report on or before July 1 of each year summarizing activities carried out under the terms of this PA.

(a) Annual reports will include a list of projects and program activities that affected historic properties, a summary of mitigation or treatment measures implemented to address the effects of undertakings, and a summary of consultation activities and the views of the SHPO and interested parties where appropriate. The annual monitoring report will be a part of this report.

(b) The signatories to this PA will review this information to determine what, if any, revisions or amendments to the PA are necessary.

C. Dispute Resolution

(1) Should any signatory to this PA object to any action carried out or proposed by the Installation with respect to implementation of this PA, the signatory party will send this objection, in writing, to the Installation Commander at Schofield Barracks. The Installation will consult with the objecting party to resolve the objection. If the objection cannot be resolved through consultation, the Installation will forward all documentation relevant to the dispute to the SHPO, unless the objecting party is the SHPO, in which case, the Installation will forward all documentation to the ACHP. Within thirty calendar days after receipt of all pertinent documentation, the ACHP will exercise one of the following options:

- (a) Advise Installation that the ACHP concurs in Installation's proposed final decision, whereupon Installation will respond to the objection accordingly.
 - (b) Provide Installation with recommendations, which Installation will take into account in reaching a final decision regarding its response to the objection; or,
 - (c) Notify Installation that the ACHP will comment pursuant to 36 CFR Section 800. (6)(b), and proceed to comment. The resulting comment will be taken into account by Installation according to 36 CFR Section 800.6(c)(2) and Section 110(l) of NHPA.
- (2) Should the ACHP not exercise one of the above options within 30 days after receipt of all pertinent documentation, Installation may assume the Council's concurrence with its proposed response to the objection.
- (3) Installation will take into account any ACHP recommendation or comment provided according to this stipulation with reference only to the subject of the objection; Installation responsibility to carry out all actions under this PA that are not the subject of the objection will remain unchanged.
- (4) Should an objection pertaining to this PA be raised at any time by a member of the public, including Native Hawaiian organizations, families and individuals, the objection will be submitted in writing to the Installation Commander at Schofield Barracks. The Installation will notify the parties to this PA and take the objection into account before proceeding with the undertaking at issue.

D. Monitoring

The SHPO and the ACHP Council may monitor any activities carried out pursuant to this Agreement, and the ACHP will review any activities if so requested. The Installation will cooperate with the SHPO and the ACHP should they request to monitor or to review project files for activities carried out pursuant to this Agreement.

E. Termination of the Programmatic Agreement.

- (1) If the Installation determines that Installation cannot implement the terms of this PA, or if the SHPO or ACHP determines that the PA is not being properly implemented, Installation, the SHPO, or ACHP may propose to the other parties to this PA that it be terminated.
- (2) The party proposing to terminate this PA will so notify all parties to this PA, explaining the reasons for termination and affording them at least 30 days to consult and seek alternatives to termination.

(3) Should such consultation fail and the PA be terminated, Installation will:

- (a) Consult according to 36 CFR Section 800.14 to develop a new PA; or,
- (b) Comply with 36 CFR Part 800 with regard to each undertaking.

F. Amendment of the Programmatic Agreement

Any party to this PA may propose to the Installation that the PA be amended, whereupon Installation will consult with the other parties to this PA to consider such amendment. 36 CFR Section 800.14 will govern the execution of any amendment.

G. Expiration and Renewal of the Programmatic Agreement

This Programmatic Agreement will take effect on the date it is signed by the last signatory and will remain in effect throughout the conversion of the 2nd Brigade of the 25th ID (L) to an SBCT in 2010. No extension or modification will be effective unless all signatories have agreed in writing.

H. This PA may be executed in counterpart signatures.

Execution and implementation of this PA evidences that Installation has afforded the Council a reasonable opportunity to comment on the conversion of the 25th ID (L) to an SBCT at and by the US Army, Hawaii, and that Installation has taken into account the effects of the undertaking on historic properties. Execution and compliance with this programmatic agreement fulfills Installation's Section 106 responsibilities regarding the conversion of the 25th ID (L) to an SBCT.

UNITED STATES ARMY

By:

Date:

Installation Commander

STATE HISTORIC PRESERVATION OFFICER

By: _____ Date: _____

State Historic Preservation Officer

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: _____ Date: _____

Executive Director

Concurring Parties

OFFICE OF HAWAIIAN AFFAIRS

By: _____ Date: _____

Chairperson Haunani Apoliona

ROYAL ORDER OF KAMEHAMEHA I

By: _____ Date: _____

Ali'i Nui & Grandmaster Ali'i Sir Gabriel Makuakane, K.G.C. K.

O'AHU COUNCIL OF HAWAIIAN CIVIC CLUBS

By: _____ Date: _____

President Ms. Jalna Keala

O'AHU ISLAND BURIAL COUNCIL

By: _____ date _____

Chairman Van Horn Diamond

(When applicable place signature blocks for concurring parties here.)

APPENDICES

- A. SBCT project list.
- B. Identified historic properties in SBCT project areas of effect.
- C. Monitoring Plan.
- D. Inadvertent Discovery Plan.
- E. Definitions.
- F. References.
- G. Native Hawaiian Organizations.

APPENDIX A.
SUMMARY OF SBCT TRANSFORMATION PROJECTS
IN O‘AHU AND HAWAI‘I ISLANDS

This appendix summarizes the proposed SBCT Transformation projects with possible impacts in the islands of O‘ahu and Hawai‘i. The information is presented in tabular form and sorted by Fiscal Year.

Summary of SBCT Transformation Projects in O‘ahu and Hawai‘i Islands

Fiscal Year	Project Number	Project Name	Sub-Installation of Project Location	Presence/Absence Surveys
2004	57183	Anti-armor Live Fire and Tracking Range	Pohakuloa	
2004	57197	Battle Area Complex (BAX)	Pohakuloa	
2004	57305	Combined Arms Collective Training Facility	Kahuku	
2004	57404	Virtual Fighting Training Facility	Schofield	
2004	57406	Road Construction, Schofield to Helemano	Schofield to Helemano	
2004	57412	Construct Tank Trail, Pohakuloa to Kawaihae	Pohakuloa	
2004	57461	Multipurpose Qualification Complex, QTR1	Schofield	
2004	57802	Land Easement, Schofield to Helemano	Schofield to Helemano	
2004	58143	Urban Assault Course and Training Facilities	Schofield	
2004	58273	Land Easement and Tank Trail, Pohakuloa to Kawaihae	Pohakuloa	Roberts 2003
2005	55270	South Range Land Acquisition	Schofield	Roberts 2003
2005	56994	Range Maintenance Facility	Pohakuloa	Roberts n.d.
2005	57408	Runway Upgrade and Extension, Bradshaw Army Air Field	Pohakuloa	Roberts n.d.
2005	57416	Tactical Vehicle Wash Facility	Schofield	Rosendahl 1977 Robins & Spear 2002a
2005	57421	Motor Pool Maintenance Shops	Schofield	
2005	57462	Multipurpose Qualification Range, QTR 2	Schofield	McGerty & Spear 2001
2005	58144	Battle Area Complex (BAX)	Schofield	
2005	58161	Land Easement and Construction of Road	Schofield to Dillingham	
2005	58165	Installation Information Infrastructure	Pohakuloa	
2005	?????	Fixed Tactical Internet	Pohakuloa	
2005	?????	Fixed Tactical Internet	Schofield, Dillingham	
2006	56923	Range Control Facility	Schofield	
2006	57405	Upgrade Airfield for C-130 Aircraft	Wheeler	

Fiscal Year	Project Number	Project Name	Sub-Installation of Project Location	Presence/Absence Surveys
2006	57411	West PTA Maneuver Training Area Land Acquisition	Pohakuloa	
2006	57414	Tactical Vehicle Wash Facility	Pohakuloa	
2006	57417	Ammunition Storage	Pohakuloa	
2006	57422	Multiple Deployment Facility	Wheeler	
2007	57415	Tactical Vehicle Wash Facility	Kahuku	

APPENDIX B**SBCT PHASE I, II AND III CULTURAL SURVEYS UPDATE**

<i>CONTRACT</i>	<i>PROJECT</i>	<i>NAME</i>	<u>Pro Comp. Date</u>	Current Status
PHASE I				
Ganda TO 007	57197	BAX PTA	4/5/2003	Fieldwork complete; draft report out
Ganda TO 007	57183	Comb.Anti-ArmorPTA	4/5/2003	Fieldwork complete; draft report out
Ganda TO 007	57411	Land Purchase West PTA	4/5/2003	Fieldwork complete; draft report out
Ganda TO 007	58273	Land Easement Kawaihae	4/5/2003	Fieldwork complete; draft report out
Ganda TO 12	57461	McCarthy Flats QTR1	8/28/2003	Awaiting entry; UXO issues
Ganda TO 12	58160	Helemano Land Easement	8/28/2003	Fieldwork complete; no sites id'd
Ganda TO 12	57305	CACTFKuhuku	8/28/2003	Fieldwork complete 2/20
		Tactical Veh Wash Schd		Fieldwork complete; no sites id'd
Ganda TO 12	57416	8/28/2003		
Ganda TO 12	57415	Tactical Veh Wash Kuhuku	8/28/2003	Fieldwork complete 2/20
Ganda TO 12	57404	VFTF	8/28/2003	Fieldwork complete; no sites id'd
Ganda TO 12	57422	Multiple Deploy FacSB	8/28/2003	Fieldwork complete; no sites id'd
Ganda TO 12	57405	Wheeler Runway C130's Mission Support Train	8/28/2003	Fieldwork complete; no sites id'd
Ganda TO 12	57227	Fac		Fieldwork complete; no sites id'd
Ganda TO 12	57413	Dillingham road	8/28/2003	Fieldwork complete; no sites id'd
Ganda TO 12	57414	Tactical Veh Wash PTA	8/28/2003	Fieldwork complete; no sites id'd
Ganda TO 12	57408	Bradshaw Airfield PTA	8/28/2003	Fieldwork complete; no sites id'd
Ganda TO 12	57417	Ammo Storage PTA	8/28/2003	Fieldwork complete; no sites id'd
Ganda TO 12	58143	Urban As&training fac	8/28/2003	Fieldwork complete; no sites id'd
Ganda TO 12	58144	BAC	8/28/03	Awaiting entry; UXO issues
Ganda TO 12	56994	*Range mtc. Fac. PTA*	8/28/2003	Fieldwork complete; no sites id'd
		*Range Control	8/28/2003	
Ganda TO 12	56923	Schofield*		Fieldwork complete; no sites id'd
Ganda TO 11	55270	South Range Land Acquisition (MotorPool & QTR2)	5/31/2003	Fieldwork complete; draft rpt due 3/24/03
PHASE II				
Ganda TO 014	57197	BAX PTA	7/3/2003	Fieldwork beginning 3/14/03
Ganda TO 014	57183	Comb.Anti-ArmorPTA	7/3/2003	Fieldwork beginning 3/14/03
Ganda TO 014	57411	Land Purchase West PTA	7/3/2003	Fieldwork beginning 3/14/03
Ganda TO 014	58273	Land Easement Kawaihae	7/3/2003	Fieldwork beginning 3/14/03
PHASE III				
		PTA		<u>TO BE DETERMINED</u>
		South Range Land		
		Acquisition		<u>TO BE DETERMINED</u>
		Kahuku		<u>TO BE DETERMINED</u>

APPENDIX C

ARCHAEOLOGICAL SITE MONITORING AND ARCHAEOLOGICAL SITE PROTECTION OPTIONS

Archaeological Site Monitoring

Monitoring Sites for Major Training Archaeological sites located in areas of troop concentrations (e.g., favored bivouac sites, fixed firing points, maneuver areas) will be monitored (inspected) on a regular basis to identify impacts from training. If necessary, the installation will implement site protection measures for threatened sites if prudent (e.g., flagging, fencing), and to monitor the effectiveness of such measures. For the first year after the signing of this Programmatic Agreement, this will be done whenever a unit departs a Training Area, or range, and immediately following the training exercise. The monitor may accompany Range Control personnel in their regular performance of the clearance inspection before the unit departs the field (U.S. Army 1993: Chapter 2, Section 2-4b). After the first year, the monitoring will occur quarterly or after every major exercise involving battalion or larger units.

Monitoring Sites for Other Reasons

. Monitoring of archaeological site conditions will be scheduled for other actions that will permit large numbers of personnel into areas of concentrated archaeological sites for a protracted period of time (e.g., construction of a new firebreak road or upgrading facilities), or in response to any report of nonpermitted site access or vandalism. All archaeological sites within the actively used training areas will be monitored quarterly after the first year of this Programmatic Agreement.

Monitoring Records

. All site monitoring will be documented, including date, name and title or rank of inspector, reason for inspection (e.g., name of military training unit and/or maneuver), sites visited, observed site conditions, and recommended site protection actions as appropriate. Sketch maps and/or photographs showing changes in site conditions will be included in the monitoring documentation record. For particular sites it may be advantageous to establish photographic vantage points, with photographs taken during each monitoring episode. Site monitoring efforts will be reported by the Installation Cultural Resources Manager (CRM) in the annual report to the Hawaii SHPO.

Reporting Site Damage

. The CRM will report to the Range Officer within 48 hours of his or her notice that humans or natural agents have damaged an archaeological site. The CRM's report will include (1) the circumstances of the site damage such as how and when the damage occurred and who was responsible, (2) assessment of the nature and extent of site damage including first-hand observations made by the CRM and/or his or her representative, with reference to site conditions documented prior to the damage, (3) recommendations for treatment of the damaged site such as data recovery excavation or site fencing, and (4) suggestions to avoid damage to other sites potentially threatened by similar

circumstances. Acting as the Installation Commander's representative, the CRM will notify the Hawaii SHPO within five working days of the discovery to consult about treatment of the damaged resource. All incidents involving damage to archaeological sites will be summarized in the annual report to the Hawaii SHPO.

Archaeological Site Protection Options.

The three management options for protecting sites are:

1. Manage sites in place as Training Restriction Areas
2. Establish physical barriers
3. Recover and document site data through the guided, intensive study of the research design.

Archaeological sites can be integrated into a military training scenario, for example, by assuming the role of training hazards (e.g., mine fields), thus protecting the sites while enhancing the training activity.

Individual archaeological sites or site concentrations threatened by military operations may be placed within designated *Exclusion Areas*, with corresponding land use regulations made part of the regular SOP for installation users. The site concentration might be designated an exclusion area on updated versions of the installation map, with users informed of the land use regulations via the *External SOP* or simple informative handouts. Site conditions within the exclusion area would be inspected periodically to ensure that this level of protection is adequate to preserve the resources.

Those archaeological resources subjected to ongoing or repeated, degrading impacts from human agents or other causes including feral game may best be managed by site fencing. Fenced sites will require periodic monitoring to assure that the barriers remain in place and the markings do not unduly attract site vandals.

For less complex sites characterized by few data potentials and of no special importance to contemporary Native Hawaiians, data recovery study programs will be the most cost-effective management approach, especially for sites located in areas of the more intensive military land-use.

APPENDIX D INADVERTENT DISCOVERY PLAN

1. Any employee (or contractor in the employ) of the Installation who knows or has reason to know that human remains or cultural items have been inadvertently discovered on land owned or controlled by the Installation, shall provide immediate telephone notification of the discovery, with written back-up to the Installation Commander and the Installation Cultural Resources Manager.
2. The employee or contractor shall also stop any activity in the area of the discovery and make a reasonable effort to protect the human remains and cultural items.
3. Once contacted regarding an inadvertent discovery, the Installation will make an in situ examination of the condition, antiquity and cultural affiliation of the human remains and cultural items based upon applicable professional standards to determine whether the remains and cultural items are Native Hawaiian.
4. If the examination determines that the human remains or cultural items are Native Hawaiian, the Installation shall notify the State Historic Preservation Division and the appropriate Burial Council within 48 hours.
5. If the human remains and cultural items cannot be left in situ, their excavation and removal shall be undertaken by professional archaeologists employed by the Installation within 15 working days from the initial contact between the Installation and the Burial Council.
6. Prior to disposition of the human remains and cultural items, the Installation shall publish a general notice of the proposed disposition in a newspaper of general circulation in the area in which the remains were recovered. The notice shall provide information as to the nature and cultural affiliation of the remains and cultural items and shall solicit further claims of ownership. The notice shall be published at least two times a week apart and the transfer shall not take place until 30 days after the second notice to allow for any additional claimants to come forward.
7. If reinternment is on land owned or controlled by the Installation, the location of the reinternment shall only be reported to the claimant, the Installation Commander, and the Cultural Resources Manager for the Installation.

APPENDIX E. DEFINITIONS OF TERMS USED IN THE DRAFT PROGRAMMATIC AGREEMENT

This appendix provides definitions of cultural resource terms used in the draft Programmatic Agreement.

Definitions of Terms used in the Draft Programmatic Agreement

Term	Definition/Explanation	Primary Reference
Adverse Effect	changes that may alter, directly or indirectly, the characteristics of a historic that qualify the property for inclusion in the NRHP that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association	36 CFR 800.5(a)(1)
Archaeological Site	physical remains of past human activities; can include prehistoric structures and deposits as well as remains dating from World War II to the present	
Area of Potential Effect	the geographic area or areas within which an undertaking may directly or indirectly cause alternations in the character or use of historic properties, if any such properties exist. The area of potential effect is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.	36 CFR 800.16(d)
Council	Advisory Council on Historic Preservation; an independent federal agency established under the National Historic Preservation Act (NHPA); may mean a Council member or employee designated to act for the Council	36 CFR 800.16(g)
Cultural Landscape	geographic area that includes the collective cultural and natural resource features and the spatial relationships among those surface and subsurface features; also called <i>historic landscape</i>	AR Pamphlet 200-4
Cultural Resources	historic properties as defined by the NHPA, cultural items as defined by NAGPRA, archaeological resources as defined by ARPA, sacred sites as defined in EO 13007 to which	AR 200-4

Term	Definition/Explanation	Primary Reference
	access is afforded under AIRFA, and collections and associated records as defined in 36 CFR 79	
Historic Architectural Site	extant building or other constructed feature dating from the 19 th or 20 th centuries	
Effect	alterations to the characteristics of a historic property that qualify it for inclusion in or eligibility for the NRHP	36 CFR 800.16(i)
Historic Property	<p>prehistoric or historic site, building, structure, object, or district included in or eligible for inclusion in the National Register of Historic Places (NRHP); includes properties of traditional religious and cultural importance to a Native Hawaiian organization and that meet the NRHP criteria;</p> <p>a listed property is one that is on the NRHP</p> <p>an eligible property is one that has been found to meet the criteria for placement on the NRHP but for which a NRHP nomination form has not yet been completed or submitted</p> <p>a potentially eligible property is one that has been preliminarily evaluated to meet the criteria for placement on the NRHP but for which a final concurrence by the SHPO has not been made</p>	<p>36 CFR 800.4(c)(2)</p> <p>36 CFR 800.16(l)</p>
Identification Survey	<p>preliminary research (e.g., archival research, oral history interviews, consultation) and field survey to identify historic properties; it also includes the evaluation of identified properties to determine whether they are listed on or eligible to be listed on the NRHP.</p> <p>Archaeological and architectural identification surveys will be done in accordance with the Secretary of the Interior's <i>Standards and Guidelines for Archaeology and Historic Preservation</i>.</p> <p>Cold War era buildings and structures will be identified and evaluated using the U.S. Army's <i>Thematic Study and Guidelines: Identification and Evaluation of U.S. Army Cold War Era Military-Industrial Historic Properties</i>.</p>	36 CFR 800.4

Term	Definition/Explanation	Primary Reference
	<p>Cultural landscape identification surveys will use <i>Guidelines for Documenting and Evaluating Historic Military Landscapes: an Integrated Landscape Approach</i> (Loechl et al. 1996) and <i>Protecting Cultural Landscapes: Planning, treatment and Management of Historic Landscapes</i> (Birnbaum 1994).</p> <p>For traditional cultural properties (also referred to as TCPs), identification surveys will include documentation by oral history interviews and archival research (including research of Hawaiian language texts), site visits with knowledgeable Native Hawaiians.</p>	
Interested Party	individual or organization that is concerned with the effects of an undertaking on cultural resources (36 CFR Part 800.1); includes Native Hawaiian organizations, groups, and individuals	
Mitigation	action to minimize, ameliorate or compensate for the degradation and/or loss of those characteristics of a property that make it eligible for the NRHP	<i>Section 110 Guidelines</i>
Native Hawaiian	individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawai‘i	43 CFR 10.2 36 CFR 800.16(s)
Native Hawaiian Organization	any organization that [a] serves and represents the interests of Native Hawaiians, [b] has a primary and stated purpose to provide services to Native Hawaiians, [c] has demonstrated expertise in aspects of historic preservation that are culturally significant to Native Hawaiians	AR 200-4 43 CFR 10.2 36 CFR 800.16(s)
National Historic Landmark	historic property that has been designated a National Historic Landmark by the Secretary of the Interior	36 CFR 800.16(p)
National Register of Historic Places (NRHP)	nation's inventory of known historic properties that have been formally listed by the National Park Service on behalf of the Secretary of the Interior	AR 200-4

Term	Definition/Explanation	Primary Reference
Section 106	section of the NHPA that requires Federal agencies to take into account the effects of their undertakings on historic properties and to afford the Council a reasonable opportunity to comment on such undertakings	36 CFR 800.1(a)
SHPO	State Historic Preservation Officer; official appointed or designated pursuant to section 101(b)(1) of the NHPA to administer the State historic preservation program; in Hawai‘i, the position is held by the head of the State Department of Land and Natural Resources	36 CFR 800.16(v)
Significance	characteristics of a property that qualify it for eligibility to or listing on the NRHP; the main criterion is that a site possesses "integrity of location, design, setting, materials, workmanship, feeling, and association" as well as at least one of four other criteria: [a] association with events that have made a significant contribution to the broad patterns of history; [b] association with the lives of significant persons; [c] the site embodies distinctive characteristics of a type, period, or method of construction, or it represents the work of a master, or it possesses high artistic values, or it represents a significant and distinguishable entity whose components may lack individual distinction; and/or [d] it has yielded, or may be likely to yield, information important in prehistory or history"	36 CFR 63 36 CFR 60.4
Traditional Cultural Property (TCP)	property that is eligible for inclusion in the NRHP because of its association with cultural practices or beliefs of a living community that [a] are rooted in that community's history, and [b] are important in maintaining the continuing cultural identity of that community; sometimes referred to as traditional cultural place	Parker and King 1990
Undertaking	project, activity, or program that can result in changes in the character or use of historic properties, if any such historic properties are located in the area of potential effect; project, activity, or program must be under the direct or indirect jurisdiction of a federal agency, or licensed or assisted by a federal agency	AR 200-4 36 CFR 800.2 36 CFR 800.16(y)

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- 1984 *Archaeological Reconnaissance Site Survey of Five Land Parcels at Pohakuloa Training Area (PTA), Island of Hawaii, Hawaii*. U.S. Army Corps of Engineers. Ms. on file, State Historic Preservation Division, Department of Land and Natural Resources, Kapolei, Hawai'i.

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Welch, David J.

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Williams, Scott

- 2000a [draft] *Ecosystem Management Program Cultural Resources Inventory Survey of Previously Unsurveyed Areas, Redleg Trail Vicinity, U.S. Army Pōhakuloa Training Area, Island of Hawai'i, Hawai'i*. Prepared for the U.S. Army Engineer District, Honolulu, Fort Shafter, Hawai'i. Ogden Environmental and Energy Services Company, Inc., Honolulu.

Williams, Scott (editor)

- 2000b [draft] *Archaeological Reconnaissance Survey, U.S. Army Pohakuloa Training Area (PTA) for the U.S. Army Garrison, Hawai'i, Ecosystem Management Program, Hawai'i Island, Hawai'i*. Prepared for the U.S. Army Engineer District, Honolulu, Fort Shafter, Hawai'i. Ogden Environmental and Energy Services Company, Inc., Honolulu.

Williams, Scott and Tomasi Patolo

- 1998 *Archaeological Inventory Survey of the Kahuku Training Area and Preparation of a Historic Preservation Plan for the Legacy Resource Management Program, O'ahu Island, Hawai'i*. Prepared for the U.S. Army Corps of Engineers, Corps of Engineers District, Fort Shafter, Hawai'i. Ogden Environmental and Energy Services Company, Inc., Honolulu.

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- 2002 Archaeological Reconnaissance Survey of Four Areas East of Redleg Trail. Section III, in S. Williams (ed.), *Archaeological Reconnaissance Survey, U.S. Army Pohakuloa Training Area (PTA) for the U.S. Army Garrison, Hawai'i, Ecosystem Management Program, Hawai'i Island, Hawai'i*. Prepared for the U.S. Army Engineer District, Honolulu, Fort Shafter, Hawai'i. Ogden Environmental and Energy Services Company, Inc., Honolulu.

Zulick, Loren

- 2002 Trip Report, Archaeological Reconnaissance of Proposed SBCT Communication Tower Locations, Mount Kaala, Dillingham Military Reservation (DMR), Oahu Island, Hawaii. Letter report prepared for U.S. Army Garrison Hawaii, Schofield Barracks.

APPENDIX G
INTERESTED PARTIES AND HAWAIIAN ORGANIZATIONS, GROUPS, AND
INDIVIDUALS

Interested Parties, Hawaiian organizations, families, and individuals include but are not limited to:

Office of Hawaiian Affairs (OHA) Administrative Offices

Office of Hawaiian Affairs Trustees

Hawai'i Island Burial Council

O'ahu Island Burial Council

Hui Malama I Na Kupuna 'O Hawai'i Nei

Associations of Hawaiian Civic Clubs

Life of the Land

Kamehameha Schools Trustees

Historic Hawaii Foundation

Royal Order of Kamehameha, Kona

Royal Order of Kamehameha, Hilo

Mr. Tom Lenchanko, Kahu of Kukaniloko

Kalani Flores, Kahuokahiku

ROYAL ORDER OF KAMEHAMEHA I (STATEWIDE ORGANIZATION)

ROYAL ORDER OF KAMEHAMEHA I, HAWAII CHAPTER

O'ahu Council of Hawaiian Civic Clubs

FRIENDS OF HONOLULU

HAWAIIAN CIVIC CLUB OF WAHIAWA

Version: 16 May 2003

NORTHSHORE COMMUNITY LAND TRUST

THE FRIENDS OF KUKANILOKO

`Ike`Aina – Native Hawaiian Land Trust

Wahiawa Community Business Association



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY GARRISON, HAWAII
SCHOFIELD BARRACKS, HAWAII 96857-5000



January 29, 2003

Office of the Garrison Commander

Mr. A. Van Horn Diamond
Oahu Island Burial Council
c/o Burials Program
Hawaii Historic Preservation Division
Kakuhihewa Building, Room 555
601 Kamokila Boulevard
Kapolei, Hawaii 96707

Dear Mr. Diamond:

The U.S. Army Hawaii (USARHAW) proposes an undertaking to transform its 2nd Brigade, 25th Infantry Division (Light), to a Stryker Brigade Combat Team (SBCT). Enclosure 1 shows the Army's Notice of Intent as published in the Federal Register announcing the proposed transformation in Hawaii. This transformation, one of six others being planned across the United States, would allow the Army in Hawaii to become more responsive, deployable, agile, versatile, lethal, survivable, and sustainable to meet the challenges of the 21st century. To bring the SBCT to operational capability in Hawaii and to provide realistic field training for it, USARHAW is proposing 28 projects and the introduction of a new vehicle capable of cross-country maneuvering, the Stryker at Army installations on the Islands of Hawaii and Oahu (see Enclosure 2).

The prime purpose of this letter is to officially initiate coordination and consultation with your council for the proposed transformation undertaking in compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, pursuant to implementing regulations 36 CFR 800 (NHPA). The Section 106 coordination and consultation is being carried out concurrently and in conjunction with the National Environment Policy Act (NEPA) process to which the Army's transformation in Hawaii must also adhere. This is being conducted with the preparation of an Environmental Impact Statement (EIS) study. Public scoping for the EIS was completed in April 2002, with the draft EIS expected to be submitted for public review and comment by the end of February 2003. Both Section 106 of NHPA and NEPA mandate that the Army consider the impact of its transformation undertaking on places and sites of traditional cultural importance to Native Americans, including Native Hawaiians. The Army is also very serious in its intent to ensure that its transformation projects do not significantly impinge on the rights of Native Hawaiians to conduct their traditional cultural practices. Therefore, the Army is requesting your council members' assistance in carrying through its mandate to identify and locate persons, groups, and organizations knowledgeable in matters of Native Hawaiian cultural practices, sites (including sacred sites and Native Hawaiian traditional burial sites), and landscapes in the vicinity of the area of potential effect (APE) for each of the transformation projects. The Army would greatly appreciate your council members providing any such assistance before the end of February 2003 in order to assist in the NEPA documentation process.

As listed in Enclosure 3, the 28 proposed transformation projects include: 1) the construction of training ranges, vehicle wash facilities, range control/maintenance facilities, and fixed tactical internet (antennas) on Pohakuloa Training Area (PTA) on Hawaii Island and Schofield Barracks Military


Reservation (SBMR) and Kahuku Training Area on Oahu Island; 2) all-weather vehicle trails from PTA to Kawaihae Harbor and from SBMR to Dillingham MR; 3) construction of ammunition storage areas on PTA, 4) the upgrade of Wheeler Army Airfield (WAAF) on Oahu Island and of Bradshaw AAF on PTA; 5) a multiple deployment facility on WAAF, 6) a road from Schofield to Helemano MR; 7) acquisition of maneuver land on West PTA on Hawaii Island and South Range on Oahu Island; and 8) securing land easements for the Hawaii and Oahu Island trails.

As the 28 projects are projected to be funded beginning fiscal year 2004 and continuing through 2007, the Army considers a programmatic agreement (PA) as the most appropriate vehicle to bring the transformation projects in compliance with Section 106 of the NHPA. The PA will detail stipulations with which the Army will agree to comply as each transformation project comes on board and is funded. Parties to the PA will include your Burial Council, Hui Malama I Na Kapuna O Hawai'i Nei, Office of Hawaiian Affairs, Historic Hawaii Foundation, the State Historic Preservation Office, the Advisory Council on Historic Preservation, and other interested parties in accordance with Section 106 of the NHPA. A draft copy of the PA and its accompanying archival study will be ready for public review in the very near future, anticipated no later than the end of February 2003. The PA and the study will contain more detailed descriptions of each project's APE. The Oahu Island Burial Council will be provided a copy of the PA and the study as soon as these become available.

The Army fully intends to comply with all appropriate federal regulations in its attempt to transform in Hawaii. It will continue with the consultation process with the Oahu Island Burial Council with the submittal of the draft PA, the signing of the PA, submittal of all subsequent documents relating and pertinent to the PA and its stipulations, and until all coordination and consultation is completed satisfactorily and in compliance with Section 106 of the NHPA for each transformation project. The Army contends that the PA, when signed by all parties, will ensure that significant cultural resources will be preserved and protected during the Army's proposed undertaking to transform to an SBCT in Hawaii. The Army appreciates and thanks the members of your Council in advance for their assistance in ensuring the Army continues with its rightful and proper stewardship of the cultural resources under its jurisdiction during this transformation undertaking.

Should you require further information regarding this transformation undertaking, the point of contact is Dr. Laurie J. Lucking, Installation Cultural Resources Manager, at telephone number (808) 656-2878 ext 1052 or at email address luckingl@schofield.army.mil.

Sincerely,


David L. Anderson
Colonel, US Army
Commanding

Enclosures

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Vehicles and probable additions of several unmanned aerial vehicles); (2) Construction, renovation, and demolition activities to include construction and upgrades to several small to large arms ranges, range complexes and urban training facilities; construction of IBCT vehicle motor pool facilities; construction of troop and equipment cargo and deployment facilities; enhancements to installation information infrastructure and corresponding facilities; upgrades to transportation infrastructure; construction/replacement of barracks and/or housing; and construction of additional administrative/control buildings and structures; (3) Land transactions (acquisition, asset management and disposal); (4) Deployment of forces and specific training for deployment; (5) Training to achieve and maintain readiness to perform assigned missions; (6) institutional matters to include the entire range of diverse day-to-day activities not otherwise accounted for in other activities.

Alternatives include: (1) No Action (existing unit structure and training, no specifically planned activities for transformation); (2) Transformation of the 172nd Infantry Brigade (Separate) to an IBCT using existing ranges facilities and infrastructure as they are now configured; (3) Transformation of the 172nd Infantry Brigade (Separate) to an IBCT and mission sustainment activities including new, additional, or modified ranges, facilities and infrastructure; (4) Total transformation of U.S. Army Alaska (USARAK) mission activities and capabilities, to include the near-term transformation of the 172nd Infantry Brigade (Separate) to an IBCT, in order to meet Objective Force requirements fulfilling the Army Vision of an Army that has the characteristics of being more responsive, deployable, agile, versatile, lethal, survivable, and sustainable; being strategically responsive; and being able to deploy rapidly and being dominant across the full spectrum of operations.

Other alternatives that may be raised during the scoping process will be considered.

Publication of this Notice of Intent does not foreclose consideration of any courses of actions or possible decisions addressed by the U.S. Department of the Army in its Draft Programmatic Environmental Impact Statement (PEIS) for Army Transformation, dated June 2001. No final decisions will be made regarding Transformation in Alaska prior to completion and signature of the Record of Decision for the PEIS for Army Transformation.

Federal, state, and local agencies, organizations, and the public are invited to participate in the scoping process for the completion of this EIS by participating in scoping meetings or submitting written comments. The scoping process will assist the Army in identifying potential impacts to the quality of the human environment. Scoping meetings will be held in Anchorage, Delta Junction, and Fairbanks, Alaska. Notification of the times and locations for the scoping meetings will be published in local newspapers. Written comments will be accepted within 30 days of the scoping meetings. Written comments may be forwarded to Mr. Kevin Gardner at the above address.

Dated: February 25, 2002.

Raymond J. Fatz,

Deputy Assistant Secretary of the Army (Environment, Safety and Occupational Health, OASA(I&E)).

[FR Doc. 02-5085 Filed 3-1-02; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF DEFENSE

Department of the Army

Preparation of an Environmental Impact Statement (EIS) for Force Transformation of the 2nd Brigade, 25th Infantry Division (Light) Hawaii

AGENCY: Department of the Army, DoD.

ACTION: Notice of intent.

SUMMARY: The Army proposes to implement a range of activities related to force transformation in Hawaii. The primary proposed activities are associated with conversion of the 2nd Brigade, 25th Infantry Division (Light) to an Interim Brigade Combat Team (IBCT), a rapidly deployable, early entry, medium weight force with a decreased logistical footprint. Impacts to the human environment, to include surrounding communities, from restructuring and from enhancing associated ranges, facilities, and infrastructure to meet Army Transformation objectives will be analyzed.

FOR FURTHER INFORMATION CONTACT:

Transformation Information: Mr. Ronald Borne, (808) 656-2878, extension 1122; by fax (808) 656-8200; by mail at Commander, U.S. Army Garrison, Hawaii, ATTN: APVG-GCT (Borne), Stop 518, Schofield Barracks, Hawaii 96797; or by e-mail: ronald.borne@schofield.army.mil.

EIS Information: Mr. Earl Nagasawa, (808) 438-0772; by fax (808) 438-7801; by mail at U.S. Army Corps of

Engineers, Honolulu Engineer District, Program and Project Management Division, Attn: CEPOH-PP-E (Nagasawa), Building 252, Fort Shafter, Hawaii 96858-5440; or by e-mail at earl.nagasawa@usace.army.mil.

SUPPLEMENTARY INFORMATION: The proposed action would result in changes to various military lands in Hawaii. Categories of proposed activities include: (1) Fielding of new or modified weapon systems, armored vehicles and equipment; (2) Construction activities including erection of buildings, training facilities and infrastructure, and renovation or demolition of buildings and facilities at military installations located on the islands of Oahu and Hawaii; (3) Land transactions (acquisition, asset management and disposal); (4) Deployment of forces and specific training for deployment; (5) Training to achieve and maintain readiness to perform assigned missions; (6) Other actions necessary to support a net increase in troops and vehicles to be assigned to the 2nd Brigade, 25th Infantry Division.

Proposed Action: The Proposed Action specifically entails transformation of the 2nd Brigade, 25th Infantry Division (Light) to an IBCT with proposed changes to ranges, facilities, and infrastructure at military installations in Hawaii to support the IBCT operation and training. Proposed activities include land transactions and construction and use of vehicle wash facilities, training and qualification ranges, installation information infrastructure and facilities enhancements, virtual and live training facilities upgrades, motor pool and range control/maintenance facilities, Army airfield upgrades, an anti-armor course, and an ammunition storage area. The remaining non-IBCT units will also use these new facilities as well as existing infrastructure.

Alternatives: (1) Transformation of the 2nd Brigade, 25th Infantry Division (Light) to an IBCT with a range of supporting activities including new, additional, or modified ranges, facilities and infrastructure; (2) Transformation of the 2nd Brigade, 25th Infantry Division (Light) to an IBCT using existing facilities and infrastructure in Hawaii as they are now configured; (3) No Action (No transformation to an IBCT in the near term).

Other alternatives that may be raised during the scoping process will be considered.

Publication of this NOI does not foreclose consideration of any courses of actions or possible decisions addressed by the Department of Army in its Draft Programmatic Environmental Impact Statement (PEIS) for Army Transformation, dated June 2001. No final decisions will be made regarding transformation in Alaska prior to completion and signature of the Record of Decision for the PEIS for Army Transformation.

Scoping Process: Federal, state, and local agencies and the public are invited to participate in the scoping process for the completion of this EIS. The scoping process will help the Army in identifying potential impacts to the quality of the human environment. Scoping meetings will be held at various locations on the islands of Oahu and Hawaii. Notification of the times and locations for the scoping meetings will be published in local newspapers. Written comments identifying potential impacts to be analyzed in the EIS will be accepted within 30 days of the scoping meetings. Written comments may be forwarded to Mr. Earl Nagasawa at the above address.

Dated: February 25, 2002.

Raymond J. Fatz,

Deputy Assistant Secretary of the Army
(Environment, Safety and Occupation
Health), OASA (I&E).

[FR Doc. 02-5084 Filed 3-1-02; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; System of Records

AGENCY: Department of the Army.

ACTION: Notice to alter a system of records.

SUMMARY: The Department of the Army is altering a system of records notice in its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on April 3, 2002, unless comments are received which result in a contrary determination.

ADDRESSES: Records Management Division, U.S. Army Records Management and Declassification Agency, Attn: TAPC-PDD-RP, Stop 5603, 6000 6th Street, Ft. Belvoir, VA 22060-5603.

FOR FURTHER INFORMATION CONTACT: Ms. Janice Thornton at (703) 806-4390 or

DSN 656-4390 or Ms. Christie King at (703) 806-3711 or DSN 656-3711.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the Federal Register and are available from the address above.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on February 22, 2002, to the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A-130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: February 25, 2002.

L.M. Bynum,

Alternate OSD Federal Register Liaison
Officer, Department of Defense.

A0190-9 DAMO

SYSTEM NAME:

Absentee Case Files (February 22, 1993, 58 FR 10002).

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with 'U.S. Army Personnel Control Facility, U.S. Army Desert Information Point, Building 1481, Fort Knox, KY 40121-5000.'

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with 'Active duty Army, U.S. Army Reserve on active duty or in active duty training status, and Army National Guard personnel on active duty, absent without authority from their place of duty, listed as absentee, and/or who have been designated as a deserter.'

CATEGORIES OF RECORDS IN THE SYSTEM:

Add to entry 'individual's name, Social Security Number, grade'.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete entry and replace with 'In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the

DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

Information may be disclosed to the Department of Veterans Affairs for assistance in determining whereabouts of Army deserters through the Veterans and Beneficiaries Identification and Records Locator Subsystem.

The DoD 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.'

* * * * *

A0190-9 DAMO

SYSTEM NAME:

Absentee Case Files.

SYSTEM LOCATION:

U.S. Army Personnel Control Facility, U.S. Army Desert Information Point, Building 1481, Fort Knox, KY 40121-5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty Army, U.S. Army Reserve on active duty or in active duty training status, and Army National Guard personnel on active duty, absent without authority from their place of duty, listed as absentee, and/or who have been designated as a deserter.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, Social Security Number, grade, reports and records which document the individual's absence; notice of unauthorized absence from U.S. Army which constitutes the warrant for arrest; notice of return to military control or continued absence in hands of civil authorities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

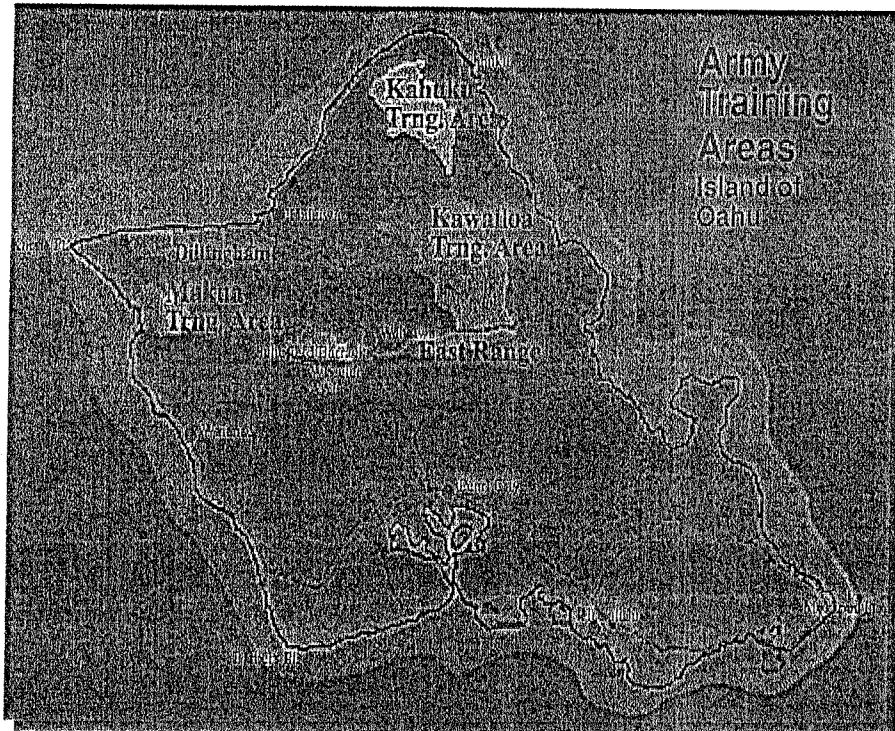
10 U.S.C. 3013, Secretary of the Army, Army Regulation 190-9, Absentee Deserter Apprehension Program and Surrender of Military Personnel to Civilian Law Enforcement Agencies; Army Regulation 630-10, Absence Without Leave, Desertion, and Administration of Personnel Involved in Civilian Court Proceedings; and E.O. 9397 (SSN).

PURPOSE(S):

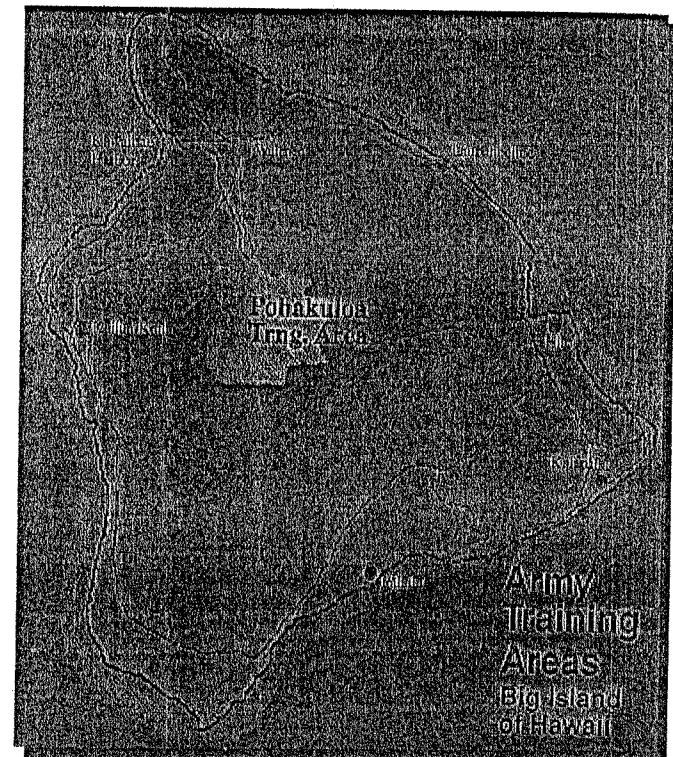
To enter data in the FBI National Crime Information Center 'wanted person' file; to ensure apprehension actions are initiated/terminated promptly and accurately; and to serve management purposes through examining causes of absenteeism and developing programs to deter unauthorized absences.

Enclosure 2

Army Training Lands



Oahu



Island of Hawaii

Enclosure 3

SBCT Projects Overview

1391 Project #	SBCT Project Title	Location	Fiscal Year	Category
58143	Urban Assault Course and Training Facilities	Schofield	2004	Construction
57404	Virtual Fighting Training Facility	Schofield	TBD	Construction
56923	Range Control Facility	Schofield	2006	Construction
58144	Battle Area Complex	Schofield	2005	Construction, Renovation
57421	Motor Pool Maintenance Shops	Schofield	2005	Construction
S6 57416	Tactical Vehicle Wash Facility	Schofield	2005	Construction
S7 N/A	Fixed Tactical Internet	Schofield	2005	Construction
S8 55270	South Range Land Acquisition	Schofield	2005	Additional Land
S11 57461	Multipurpose Qualification Training Range - QTR1	Schofield (M. Flats)	2004	Construction
	Multipurpose Qualification Training Range - QTR2	Schofield (S. Range)	2005	Construction
57422	Multiple Deployment Facility	Schofield (Wheeler)	2006	Construction, Renovation
57405	Upgrade Airfield for C-130 Aircraft	Schofield (Wheeler)	2006	Renovation
58161	Land Easement/Construct Road SB/DMR	Dillingham	2005	Construction
57415	Tactical Vehicle Wash Facility	Kahuku	2007	Construction
57305	Combined Arms Collective Training Facility	Kahuku	2004	Construction, Renovation
57406	Road Construction, Schofield to Helemano	Kahuku	2004	Construction
57802	Land Easement, Schofield to Helemano	Kahuku	2004	Additional Land
57197	Battle Area Complex	Pōhakuloa	2004	Construction
57183	Anti-Armor Live Fire & Tracking Range	Pōhakuloa	2004	Construction
57412	Construct Tank Trail, PTA-Kawaihae	Pōhakuloa	2004	Construction
	Land Easement and Tank Trail, PTA-Kawaihae	Pōhakuloa	2004	Additional Land
58273	Ammunition Storage	Pōhakuloa	2006	Construction
57417	Tactical Vehicle Wash Facility	Pōhakuloa	2006	Construction, Renovation
	West PTA Maneuver Training Area Land	Pōhakuloa	2006	Additional Land
56994	Range Maintenance Facility	Pōhakuloa	2005	Construction
57408	Runway Upgrade/Extension, Bradshaw AAF	Pōhakuloa	2005	Renovation
N/A	Fixed Tactical Internet	Pōhakuloa	2005	Construction
N/A	Installation Information Infrastructure Architecture	Pōhakuloa	2005	Construction

Source: US Army 2002b

CEPO - - (1n)

30 Jan 03
Date

MEMORANDUM FOR CEPOH-IM, ATTN: OMM

SUBJECT: Special Official Mail Services

1. Reference paragraph 2-31, AR 25-51, Official Mail and Distribution Management.
2. Request the attached official mail be provided special postal service as indicated below:

 REGISTERED (see para 4 below) or REGISTERED WITH POSTAL INSURANCE (see para 5 below) or X CERTIFIED (see para 4 below) or EXPRESS (see para 5 below). X Check if any with RETURN RECEIPT. For merchandise: RETURN RECEIPT FOR MERCHANDISE.

3. Address(es) and telephone number(s): (Attach separate sheet if additional space is needed.)

Mr. A. Van Horn Diamond
Oahu Island Burial Council
c/o Burial Programs, Hawaii Historic Preservation Division
Kakuhihewa Building, Room 555
601 Kamokila Boulevard
Kapolei, Hawaii 96707

4. Authority for use of the REGISTERED or CERTIFIED services: (Check item on reverse.)

5. Justification for use of EXPRESS MAIL:

 List of item(s), actual and insured value(s) for REGISTERED WITH POSTAL INSURANCE:

FOR MAIL AND RECORDS USE ONLY

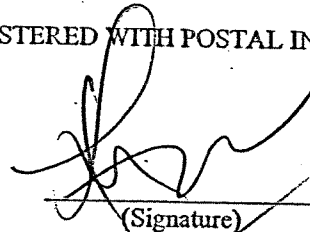
Accepted by (INIT & DATE)

EXPRESS Label No. _____

REG, CERT, RRM No. _____

WT # oz POSTAGE \$ _____ FEE \$ _____

RR \$ _____ TOTAL MAILING COSTS \$ _____



(Signature)

Kanalei Shun

(Type or Print Name)

CEPOH-EC-E, 438-3792

(Office Symbol and Phone Number)

INSTRUCTIONS

Prepare in two copies and submit to M&R before 1300 along with the documents to be mailed. M&R will process and deliver documents to the Ft Shafter Post Office the same day. From 1300 to 1515, M&R will still process requests; however, senders are responsible to make the delivery to the Ft Shafter Post Office NLT 1500 or to the Honolulu Airport Post Office after 1500.

M&R will accept EXPRESS MAIL requests Monday through Friday. It is assumed that the Director or Staff Chief weighed the costs of EXPRESS MAIL and decided that it was cost-effective and necessary to meet mission requirements. It will be the sender's responsibility to ensure that the addressee is available for weekend/holiday delivery and if not, the next working day delivery is acceptable.

AR 25-31, para 2-31 - Selection of Special Mail Services

a. REGISTERED may be used for:

- ___(1) Criminal Investigation evidence.
- ___(2) Cash, original vouchers (disbursing and collecting), and voided or cancelled checks.
- ___(3) One-of-a-kind, irreplaceable, sensitive, controlled, rare or pilferable items and items having a replacement cost of \$20,000. Such items include but are not limited to calibration equip, supply items, historical matter (including films), library materials, original manuscripts, and camera-ready mechanicals and art work.
- ___(4) Mailable shipments of Govt-owned firearms (Return receipts may be used.).
- ___(5) Classified documents as required by DOD 5200.1-R and AR 380-5, para 8-103c.
- ___(6) Final notices to individuals about indebtedness to the Army Emer Relief Fund.
- ___(7) Other communications and parcels that by law, DOD directive, or Army regulation must be registered.
- ___(8) The fol items with return receipt:
 - ___(a) Environmental samples.
 - ___(b) Notification of radiation exposure.
 - ___(c) Mailing former evidence to its owner.
 - ___(d) Mobilization preassignment orders to international addresses where this svc is auth.
- ___(e) All actions involving the processing of claims.

b. CERTIFIED may be used for:

- ___(1) Ltrs to estab being declared "off limits".
- ___(2) Adverse enlisted and officer efficiency reports and other similar actions.
- ___(3) Controlled test material.
- ___(4) Inst mat marked "For Faculty Use Only".
- ___(5) Items requiring shpmt by priority mail when the certified fee is less than the fee for other services which provide proof of delivery.
- ___(6) Commercial trans tickets, boarding passes, and Mil Airlift Comd authorizations when personal delivery or pickup is not possible.
- ___(7) Classified docs as reqd by DOD 5200.1-R and AR 380-5, para 8-103c.
- ___(8) Official U.S. Passports required by DOD employees for official travel.
- ___(9) The fol items with return receipt:
 - ___(a) Equal Empl Opportunity case material mailed to complainants and their representatives.
 - ___(b) Reduction-in-force notices sent to civilian employees on authorized absence.
 - ___(c) Final decisions of a contracting officer issued under the dispute clause of a Govt contract.
 - ___(d) Show cause or cure notices issued under the default clause of a Govt contract.
 - ___(e) Any other communication for which receipt is essential to create or preserve rights granted to the United States under a Govt contract.
 - ___(f) Debarment letters.
 - ___(g) Delayed entry packets.
 - ___(h) Summonses and subpoenas.
 - ___(i) Adverse pers actions for mil and civ pers to include pers "V" letters to Reserve Components.
 - ___(j) Illegally held identification cards.
 - ___(k) Traffic or driving violations.
 - ___(l) Letters of revocation or suspension of installation driving privileges.
 - ___(m) Dishonored checks (not applicable to non-appropriated fund instrumentalities).
 - ___(n) Questionnaires to injured persons.
 - ___(o) Legal matters including records of trial for all Spec and Gen Courts Martial; decisions of the courts of mil review; Officer elimination cases; all actions involving the processing of claims; and any other communication, receipt of which is essential to create or preserve the rights granted to the U.S. Govt in connection with criminal proceedings.
- X___(10) Other communications and parcels that by law, DOD directive, or DOD Component directive must be certified.

The following organizations were provided a copy of the letter dated 29 January 2003.

Mr. Gilbert Coloma- Agaran
State Historic Preservation Officer
Kakuhihewa Building, Room 555
601 Kamokila Boulevard
Kapolei, Hawaii 96707

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DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY GARRISON, HAWAII
SCHOFIELD BARRACKS, HAWAII 96857-5000



REPLY TO
ATTENTION
OF:

Office of the Garrison Commander

Mr. Clyde Namuo
Administrator
Office of Hawaiian Affairs
711 Kapiolani Boulevard, Suite 500
Honolulu, Hawaii 96813

Dear Mr. Namuo,

Transmitted for your review and comment is a copy of a draft Programmatic Agreement (PA) among the 25th Infantry Division (Light) and United States Army, Hawaii, the Hawaii State Historic Preservation Office, and the Advisory Council on Historic Preservation for Section 106 responsibilities for the Army Transformation of the 2nd Brigade, 25th Infantry Division (Light) to the Stryker Brigade Combat Team. A webpage with information on the proposed Army Transformation in Hawaii is at the following address: <http://www.ttsfo.com/sbcteis/>

The U.S. Army Hawaii (USARHAW) initiated consultation with your office with a letter dated January 29, 2003. Per the assurances of that initial consultation letter, USARHAW is hereby providing a draft copy of the PA and respectfully requesting your expedited review, comment, and revision on the draft prior to May 9, 2003.

The U.S. Army Corps of Engineers, Honolulu District (POH) is assisting USARHAW in its responsibilities under Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA). Members of my cultural resources staff and/or cultural resources personnel from POH will be contacting you shortly after you receive this letter to answer any questions you may have about the PA or other details of how USARHAW plans to meet its responsibilities under Section 106 of the National Historic Preservation Act.

Should you require additional information about this transformation undertaking, the point of contact is Dr. Laurie J. Lucking, Installation Cultural Resource Manager, at telephone number 656-2878, ext 1052 or at email address luckingl@schofield.army.mil.

Sincerely,

David L. Anderson
Colonel, U.S. Army
Commanding

Enclosure

The following organizations were provided a copy of the letter dated 20 March 2003.

Mr. Peter Young
State Historic Preservation Office
Kakuhihewa Building, Room 555
601 Kamokila Boulevard
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Mr. Clyde Namuo
Administrator
Office of Hawaiian Affairs
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Mililani, Hawaii 96789

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Waipahu, Hawaii 96797

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65-1158 Mamalahoa Highway 8A
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Wahiawa, Hawaii 96786

Mr. Jack Kampfer
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Royal Order of Kamehameha
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Haleiwa, Hawaii 96712

Mr. Larry McElheny
Haleiwa, Hawaii 96712

Ms. Theresa Menard
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Vice Chairman
Hawaii Island County Council
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Mr. Jyun Yamamoto
Wahiawa, Hawaii 96786

Ms. Hannah Springer
Kailua, Hawaii 96740

Mr. Raylene Lancaster
Kapaau, Hawaii 96755

Mr. E. Kalani Flores
Kamuela, Hawaii 96743

Ms. Mabel Tolentino
President
Hawaii Island Council of
Hawaiian Civic Clubs
P.O. Box 6305
Kamuela, Hawaii 96743

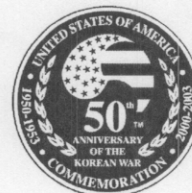
Ms. Vicky Takamine
Aiea, Hawaii 96701

Mr. William Aila
Waianae, Hawaii 96792

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DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY GARRISON, HAWAII
SCHOFIELD BARRACKS, HAWAII 96857-5000



REPLY TO
ATTENTION OF:

13 MAY 2003

Office of the Garrison Commander

Mr. Peter T. Young
State Historic Preservation Officer
Kakuhihewa Building, Room 555
601 Kamokila Boulevard
Kapolei, Hawaii 96707

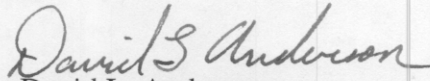
Dear Mr. Young,

The 25th Infantry Division (Light) and U.S. Army Hawaii (the Army) is proposing conversion of the 2nd Brigade to a Stryker Brigade Combat Team (SBCT). The transformation of the 2nd Brigade includes development of 28 projects and potential land acquisition on both the islands of Oahu and Hawaii, and the introduction of a new tactical vehicle, the Stryker. A Programmatic Agreement (PA) is being developed among the 25th Infantry Division (Light) and United States Army, Hawaii, the Hawaii State Historic Preservation Office, and the Advisory Council on Historic Preservation, to meet Section 106 responsibilities under the National Historic Preservation Act of 1966, as amended (NHPA). In addition, interested parties and Native Hawaiian organizations including but not limited to the Office of Hawaiian Affairs and the Hui Malama I Na Kupuna O Hawai'i Nei are being consulted for their comments and input into the PA and concurrence if they wish to concur. The draft PA defines procedures that the Army will follow for the identification and treatment of historic properties found to be within the Area of Potential Effect (APE) for the proposed transformation projects and maneuver areas on existing ranges.

Phase I surveys to identify the presence of cultural resources within all the proposed project APE's are nearing completion. We plan for these to be completed by the end of July 2003. Of the proposed APE's, ten of the completed surveys have identified no cultural properties. These ten project APE's are on formerly developed, disturbed, or manipulated landscapes. They are located on Schofield Barracks Military Reservation, or are within pineapple plantations in Helemano, on the Island of Oahu; or are located in the Pohakuloa Training Area on the Island of Hawaii. Enclosed, for your information and review, are brief summaries of the survey findings, including photographs and maps of each of the ten proposed project APE's.

The Army has made a "**no historic properties affected**" determination for these ten project APE's. In compliance with Section 106 of the NHPA, your review and concurrence to this determination is being requested. Should you require additional information about the undertakings, including field trips to any of the ten proposed APE's, the point of contact is Dr. Laurie J. Lucking, Installation Cultural Resource Manager, at telephone number 656-2878, ext 1052.

Sincerely,

A handwritten signature in cursive script that reads "David L. Anderson".

David L. Anderson
Colonel, U.S. Army
Commanding

Enclosure
CF: Contact List

The following organizations were provided a copy of the letter dated 13 May 2003.

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MEMORANDUM FOR THE RECORD

Subject: Summary of comments submitted on 25 April by the Advisory Council on Historic Preservation (Ms. Lee Keating) addressing the USARHAW SBCT Draft Programmatic Agreement, version 18 March 2003,

1. Comments by page number. ACHP comments are bold and italicized.

a. Page 1:

“...actions pursuant to the National Environmental Policy Act ***This is an NHPA agreement*** and other requirements.”

“... the Installation Commander ***what installation?***(Installation), proposes..”

“... draft report which has been submitted to the SHPO for review; and ***Hopefully this report will no longer be draft when this PA is finalized – or the process for finalizing this draft should be included as one of the stipulations***”

“... WHEREAS, archival research and inventories to identify historic properties within the APEs of most ***areas that have not been researched and inventoried should be identified and some decision regarding future research should be made in the stipulations (even if they are areas with UXO's and won't be inventoried)*** of the 28 SBCT Transformation project sites are complete and draft and final report submittals have been provided to the SHPO for review and consultation; and ***Again this is the kind of info that should be included within the stipulations***”

“...July 2003 and draft and final report submittals will be provided to the SHPO not later than August 2003; and ***Again, this kind of info should go into an “identification and evaluation” stip.***”

b. Page 2

“..., and the parties ***ACHP doesn't need to concur with this finding and I'm not particularly comfortable with this statement since at this point I don't know enough about the project to feel comfortable with this assertion*** concur with a no historic properties affected determination for these areas, and agree that no further Section 106 review is required for projects within these 15 project areas; and ***Ditto, stip material – these 15 project areas should be clearly identified within the PA***”

“... the Hickam Air Force Base National Historic Landmark and the Wheeler Army Airfield National Historic Landmark; and ***I would like more info on these possible effects. Additionally the Army is required to notify NPS under 36 CFR §800.10(c) and invite them to participate in this consultation.***”

“... (hereafter called the "ACHP"), and others *name – probably in another WHEREAS and identify their role and what type of signatory, if any,,* pursuant to Section 800.14(b) of the regulations (36 CFR Part 800), implementing Section 106 of the National Historic Preservation Act (16 USC 470f), and invites them to concur in this programmatic agreement (PA); and *Also Section 110 since NHL’s involved Has Historic Hawai’i Foundation or any other such group on the Islands of Oahu or Hawai’i been notified of this PA and given a chance to participate?”*

c. Page 3.

“...with Native Hawaiian organizations *name* that attach traditional cultural and religious..”

“... the following stipulations to satisfy Installation’s Section 106 responsibilities for all individual undertakings associated with the conversion of the 2nd Brigade of the 25th ID (L) to an SBCT. *Probably want any discovery provisions to apply to the 15 areas with no historic properties – so it may make sense to extend this PA to all areas, also it really should apply to all areas because this PA is going to be the approach to get written agreement that 15 of the areas have no historic properties and that a determination of no hp’s affected is appropriate.*”

“*. STIPULATIONS - The U.S. Army Hawaii shall insure that the following measures are carried out:*”

I. A. “.... and sites on O’ahu and Hawai’i, *listed in Appendix A* and..”

I. B. “ ...listing in the National Register of Historic Places (National Register) are historic properties, and a subset of these are traditional cultural properties. *This statement is not necessary because the term historic properties is defined in the ACHP regs and these regs have been referenced already.*”

I. C. “... This PA is subordinate to any rights Native Hawaiians and Native Hawaiian organizations may have under federal law. *This concept is also covered in 36 CFR §800.2 (c)(ii)(B) –and that actually is a more accurate statement.*”

d. Page 4:

II. A. (2) “... The Installation shall ensure that the CRM review all undertakings, which are carried out according to the terms of this PA. *I would reword this last sentence because it implies that the CRM does not review undertaking that are not carried out according to the terms of the PA.*”

II. B. (1) “... 28 proposed SBCT projects (*this is not consistent with the WHEREAS’s because this statement is prospective and the WHEREAS’s already have it limited down to 13 projects – However I think that the WHEREAS’s need the editing*)”

II. B. (2). "...where historic properties occur. (*This is assuming that the SHPO and appropriate NHO's agree to the no historic properties affected and that is dealt with a little later sequentially in this PA*)" "... possible in project planning, and of the requirement to complete the review .."

III. *There's a lot of passive voice in this section – it was clear above that the installation was doing various activities – it should be just as clear throughout the PA.*

e. Page 5.

III. A. (1) *The ID & E for all 28 areas should have been conducted according to these Standards.*

III. A. (3) *The WHEREAS's indicate that these groups have already been identified to some degree and asked to concur in the PA.*

III. A. (5) "... The Installation shall assume that there is a **consensus** *what does it take to make a consensus? – this doesn't really comport with ACHP regs among the **parties/signatories** what is the difference between a party and a signatory in this context – ACHP, for example, would not have an opinion on eligibility to this agreement..*"

III. B. (1) *Do SHPO and NHO's agree with the no historic properties determination implied for the other 15 projects? It would be helpful to have that consultation firmed up.*

f. Page 6

III. C. (1) *How are the evaluation efforts reviewed, including time frames, by the appropriate consulting parties? What about disagreements?*

g. Page 7

III. D. (5) *The way this is outlined it looks like the installation has to go through the no historic properties affected test and get a timely objection before NAE's or AE's can be identified – this should be reworked so that it is clear that the Installation can make an NAE or AE determination right off if it is appropriate.*

III. D. (6) *Will this result in a no hp affected or NAE review or will these modifications be made unilaterally kind of like it reads?*

III. D. (7) *How will the consultation to develop mitigation measures appropriate for a given project be memorialized? What if there will be direct and adverse effects to an NHL – there is a higher standard for consultation.*

h. Page 8.

IV. *Treatment is a form of mitigation – why aren't the two provisions combined?*

IV. C. “...determines whether the remains need to be treated in accordance with the Native American Graves Protection and Repatriation Act and the National Historic Preservation Act and, if so, takes appropriate action. These actions are described in Appendix D.” *I would prefer to substitute the following language, “has consulted according to the Inadvertent Discovery Plan included in Appendix D and determined the appropriate treatment.”*

IV. D. (1). *I'm not sure why this has to be said twice.*

i. Page 9

IV. D. (2) *I'm not sure that this is needed here under treatment and could probably be included with the statement in V.E(6) below.*

IV. E. (1) *(I thought that this had already been said)*

IV. F. (1) *Again, these parties should pretty much be identified up front and I'm not sure what this statement is doing under “treatment” when any parties that haven't been identified up front as this PA is being finalized should be getting involvement in ID&E efforts, effect determinations, and all negotiations to avoid, minimize, or mitigate AE's.*

IV. F. (2) *There should be some better definition to this effort to help the Army to estimate and control costs and some time frames (they can indeed be very far out).*

V. A. (1) *I think that this was already said in II.A.(2) above.*

V. B. (1) *This is a good idea but can be incorporated into II.A.(2) above.*

j. Page 10

V. B. (2) *There should be a better definition of the annual reports – things like the date for such report and its general content should be set out in this PA. This isn't completely consistent with VI.B. below and that section addresses most of my concerns.*

V. E. (1) *These may not be limited to routine activities so maybe this concept should go somewhere else in the PA.*

V. E. (2) *This is problematic – who makes the decision? There are many disagreements regarding the application of the Standards (this was a real sticking point in the Pearl Harbor PA).*

V. E. (5) “...historically significant ..” *this term doesn't mean much, would be better to say, “that have not been determined to be a historic property”*

VI. B (1) "...The Installation shall provide the SHPO and the *ACHP* (*as we now like to be called and as defined above*) – *the NHO's are also likely to want such a report* with an annual report on or before January 1 (*this date is usually problematic for agencies as many staff members are out on leave toward the end of December, you may want to pick a more convenient date*) of each year summarizing activities carried out under the terms of this PA."

k. Page 11

VI. B. (1) (b) *It's usually good for the installation to review the PA and make any suggestions it deems appropriate regarding it's implementation or propose amendments that may make it a more effective document.*

VI. C. (1) "... all documentation relevant to the dispute to the *ACHP*. Within thirty calendar days after receipt of all pertinent documentation, the *ACHP* shall exercise .."

VI. C. (1) (a) "... Advise Installation that the *ACHP* concurs .."

VI C. (1) (c) "...Notify Installation that the *ACHP* will comment .."

VI. C. (2) "... Should the *ACHP* not exercise one of the above options within 30 days after receipt of all pertinent documentation, Installation may assume the *ACHP's* concurrence with its proposed response to the objection."

l. Page 12

VI. C. (3) "Installation shall take into account any *ACHP* recommendation .."

VI. D. "... The SHPO and the *ACHP* may monitor any activities carried out pursuant to this Agreement, and the Council will review any activities if so requested. The Installation will cooperate with the SHPO and the *ACHP* should they request to monitor or to review project files for activities carried out pursuant to this Agreement."

VI. E. (1) "... or if the SHPO or *ACHP* determines that the PA is not being properly implemented, Installation, the SHPO, or *ACHP* may propose to the other parties to this PA that it be terminated."

VI. E. (3) (a) "...according to 36 CFR Section **800.14** to .."

VI. E. (3) (b) "Comply with 36 CFR **Part 800** with regard to each undertaking."

VI. F. "...such amendment. 36 CFR Section **800.14** shall govern ..."

m. Page 13.

IV. J. *I would really like to get a set date – 10 years out? Whatever is realistically necessary, after the 1979 Pearl Harbor PA we get a little nervous about agreements that have relatively vague expiration dates.*

PHONE (808) 594-1888

FAX (808) 594-1865



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

May 7, 2003

David L. Anderson
Colonel, U. S. Army
Department of the Army
Headquarters, United States Army Garrison, Hawaii
Schofield Barracks, Hawaii 96857-5000

RE: Programmatic Agreement, among the 25th Infantry Division (Light) and United States Army Hawaii, the Hawaii State Historic Preservation Office, and the Advisory Council on Historic Preservation for Section 106b Responsibilities for the Army Transformation of the 2nd Brigade, 25th Infantry Division (Light) to a Stryker Brigade Combat Team (SBCT)

Dear Colonel Anderson:

Thank you for the opportunity to review the Programmatic Agreement (PA), participate in ongoing discussions with the Army and to comment. As you are aware, the Office of Hawaiian Affairs (OHA) is mandated by the Hawaii Revised Statute § 10-3 to:

Serve as the principal public agency in the State of Hawaii responsible for the performance, development, and coordination of programs and activities relating to native Hawaiians and Hawaiians; except that the Hawaiian Homes Commission Act, 1920, as amended, shall be administered by the Hawaiian homes commission and

To assess the policies and practices of other agencies impacting on native Hawaiians and Hawaiians, and conducting advocacy efforts for native Hawaiians and Hawaiians.

The PA sets out an ambitious process for managing its transformation from a Cold War organization and equipment to a lighter, more strategically responsive force to fill what it

sees as a strategic gap in current warfighting capabilities. The Army's transformation plan call for the ability to deploy a combat-capable brigade anywhere in the world within 96 hours, a division in 120 hours and five divisions in 30 days. (GAO-02-96. Major Challenges for Army Tranformation.)

This goal in and of itself impacts Native Hawaiians by altering and destroying lands that hold traditional cultural significance. Additionally, the OHA calls for the Army to set out its remediation plan for all of the areas impacted by this PA which requires the Army to:

- a. recognize the cultural and humanitarian value of assuring meaningful, safe use of the our 'aina.
- b. provide for the protection of our cultural, historical and archaeological sites;
- c. provide for the clearance or removal of unexploded ordnance and for the environmental restoration of our 'aina to include: clearance or removal of unexploded ordnance and environmental restoration;
- d. establish a legally binding agreement with Native Hawaiians to return our 'aina to its pre-military environmentally safe state with the necessary federal funding to insure proper remediation and
- e. allow access to Native Hawaiians to areas which hold traditional and cultural significance, including religious, customary and gathering rights in a manner that is agreeable and appropriate for the intended purpose of access.

The OHA recommends changes in the following:

WHEREAS:

1. twenty-eight (28) Stryker Brigade Combat Team (SBCT) Transformation projects have possible adverse effects on
2. historic properties within their areas of potential effects (APEs);
3. the EA that covers the area for this PA has not been reviewed in its entirety by the OHA;

2. the PA refers to the parties of this agreement concurring that that there no historic properties affected determination for these areas, and agree that no further Section 106 review is required for projects within these 15 project areas.

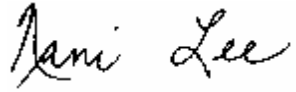
The OHA previously raised the issue along with other community groups that the OHA by definition of this process is not a "party to the agreement" by virtue of the fact that we are not signatories to the PA. While participating in the discussion and commenting on the process, we are not "a party". The OHA is a signatory and therefore a party to the U. S. Navy PA;

4. II A. (1) & (2) Native Hawaiian individuals, families and organizations should be allowed more review time;
5. II. B. should read subject to review by OHA, OCHCC and transformation teams.
6. III A(3) should read: 'The Installation shall identify Native Hawaiian organizations, families and individuals that may ascribe traditional religious...
7. III A(4) should read: 'The installation shall consult with such Native Hawaiian families, individuals and organization to solicit their assistance and advice...;
8. III B. (2)(a). This section should identify and reference the historic context;
9. IV A. (1) 'Archaeological site protection measures may be developed in consultation with and implemented by Installation...
10. IV C. "Treatment of Human Remains"...line 6 ...whether the remains need to be treated in accordance with Appendix D, that Native American Graves Protection and...Strike the last sentence. [These actions are described in Appendix D.]
11. IV. E.. "Involvement of Native Hawaiians". Strike [Organizations]. (1) When an undertaking may affect historic properties of traditional cultural and religious important to [a] Native Hawaiians [organizations]..
12. VI. B (1) The Installation shall provide the SHPO, the Council, the OHA, and all Native Hawaiian organizations and individuals participating in this process with an annual report on or before...

Thank you again for receiving our comments. We look forward to further discussion and implementation of our suggestions.

Should you require any further information regarding our comments, please do not hesitate to call me at (808) 594-1927.

0 way iho no,

A handwritten signature in black ink, reading "Nani Lee". The signature is written in a cursive, flowing style. The first name "Nani" is followed by the last name "Lee".

Nani Lee, Deputy Administrator BAE

MEMORANDUM FOR THE RECORD

Subject: Summary of comments submitted on 6 May 2003 by the Oahu Cultural Advisory Group (CAG) addressing the USARHAW SBCT Draft Programmatic Agreement, version 18 March 2003.

1. Comments by page number. Oahu CAG comments are underlined.

a. Page 1

“... which has been submitted to the SHPO, ~~for review; and~~ Office of Hawaiian Affairs (OHA), Royal Order of Kamehameha I (ROOK), Oahu Council of Hawaiian Civic Clubs (OCHCC), Oahu Island Burial Council (OIBC) for review and comment as concurring partners per Appendix G and..”

“.....final report submittals have been provided to the SHPO, OHA, ROOK, OCHCC and the OIBC for review and consultation as concurring partners per Appendix G; and”

b. Page 2

“ not later than July 2003 and draft and final report submittals will be provided to the SHPO OHA, ROOK, OCHCC and the OIBC as concurring partners as per Appendix G, not later than August 2003; and

delete

~~“WHEREAS, the results of the completed surveys indicate that there are no historic properties within 15 of the 28 project areas as indicated in Appendix B, and the parties concur with a no historic properties affected determination for these areas, and agree that no further Section 106 review is required for projects within these 15 project areas; and”~~

delete

~~“13 of these ...”~~

“...(hereafter called the “ACHP”), and the Office of Hawaiian Affairs (hereafter called “OHA”), Royal Order of Kamehameha I (hereafter called “ROOK”), Oahu Council of Hawaiian Civic Clubs (hereafter called “OCHCC”), and the Oahu Island Burial Council (hereafter called the “OIBC”)~~others, ...~~”

“ ... this PA for the review and comment of the identification, evaluation, treatment, ...”

“... WHEREAS, the Installation in an effort of understanding the significance and respect that cultural resources including burials play in the lives of Native Hawaiians will work toward identifying Cultural Monitors and afford them access for the duration of the entire project. ...”

c. Page 3

“...NOW THEREFORE, the Installation, the Hawaii SHPO, and the ACHP ~~the OHA, ROOK,~~ the OCHCC and the OIBC agree that Section 106 compliance for potential historic properties within the areas of potential effects of ~~13~~ 28 SBCT projects ...”

I. A. “... within the areas of effect of ~~13~~ 28 projects sites associated with SBCT.”

II. A. (1) “... effects to such properties. The criteria for the Cultural Monitor will be set by the Native Hawaiian organizations”

d. Page 4

II. A. (3) Insert

The Installation shall employ, maintain a contract with, or obtain through other means a “Cultural Monitor”. The Installation shall provide timely notification of all site specific projects and access for the participation of a “Cultural Monitor”. A “Cultural Monitor” means any person who is hired or volunteers to interpret the cultural rather than the scientific significance of an archaeological project area, including burial sites. A “Cultural Monitor shall demonstrate: 1. A cultural affiliation with the affected project area; 2. familiarity with the affected and anticipated cultural properties in the project area; and 3. sensitivity and the ability to represent and communicate to developers and property owners on behalf of the Native Hawaiian community”.

In development areas which are likely to impact Native Hawaiian cultural sites, a Cultural Monitor can be utilized to provide additional assurances to the Native Hawaiian community that important resources are being properly treated. A Cultural Monitor acts as an independent observer who is both knowledgeable and sensitive to Hawaiian site management and who has the trust of members of his community. They work closely with archaeologist to provide a liaison with the Native Hawaiian community and provide an additional safety net when cultural sites are discovered or inadvertently impacted and assist in the identification and treatment of such sites.

II. B. (1) “...Brigade of the 25th ID (L) to an SBCT. The SHPO, OHA, ROOK, OCHCC and the OIBC will be afforded the opportunity to review and comment all of these documents.”

II. B. (2) “... within the ~~thirteen~~ 28 APEs where historic properties occur. ..”

e. Page 5

II. B. (4) Insert An archaeologist and a Cultural Monitor will be on site for all excavations.

III. "...remaining ~~13~~ 28 APEs.."

III. B. (1) "...to be evaluated in ~~thirteen~~ 28 of the proposed project APEs."

f. Page 7

III. D. (4) "If within ~~15~~ 45 days, no objection ... "

III. D. (5) (a) "...provide for a ~~30~~ 45 day review."

III. D. (5) (b) "...ACHP for a ~~30~~ 45 day review."

III. D. (7) (a) "...in consultation with the SHPO, OHA, ROOK, OCHCC, OIBC and NHOs.."

III. D. (7) (b) "...consultation with the SHPO, OHA, ROOK, OCHCC, OIBC and other concurring partners."

g. Page 8

IV. A. (1) "... and other on-going uses. Long term measures may be to establish buffer zones around archaeological and cultural sites or to identify such areas as "mine fields" for training purposes."

IV. A. (3) "...the Installation Cultural Resource Manager and the Cultural Monitor .."

IV. C. "... the Installation ~~shall~~ will ensure that all activity in the area immediately surrounding the discovery ceases and the appropriate installation CRM is notified of the find. Installation ~~shall~~ will ensure that ..."

h. Page 9

IV. D. (1) "...with Stipulation V. E.(6) below. Installation will do a cost analysis for the clean up and removal of unexploded ordinance."

IV. D. (2) "... following UXO removal actions. Installation will do a cost analysis for the clean up and removal of unexploded ordinance."

IV. F. (1) "The Installation, in consultation with the SHPO, OHA, ROOK, OCHCC, OIBC and concurring partners shall ..."

IV. F. (2) "The Installation, in consultation with the SHPO, OHA, ROOK, OCHCC, OIBC and other Native Hawaiian organizations..."

V. B. (1) “The Installation will insure that the CRM and the Cultural Monitor monitors ..”

i. Page 10

V. B. (2) “...of the CRM’s and the Cultural Monitor Monitoring activities, and shall provide copies of these monitoring reports to the SHPO, OHA, ROOK, OCHCC, OIBC and concurring parties to this PA.”

V. E. (1) delete

~~Activities occurring in the APE-s for the 15 SBCT projects where no historie properties are located.~~

V. E. (2) “..Archaeology and Historic Preservation and in consultation with SHPO, OHA, ROOK, OCHCC and the OIBC.”

V. E. (3) “...and similar basic landscape. Provided that the maintenance activity does not involve ground disturbance activity and stays within the previously disturbed areas and footprint.”

V. E. (4) “...in previously disturbed areas. Provided also that this is a maintenance activity and not an expansion. Any change in the design and physical appearance does not constitute a maintenance activity. Project needs to stay with the previously disturbed area or footprint.”

V. E. (5) “...gas and electric utilities infrastructure. Provided this is a maintenance activity and not an expansion or a change in design. If project involves an excavation it needs to stay within the previously disturbed area.”

j. Page 11

VI. B. (1) “The Installation shall provide the SHPO, ~~and~~ the Council, OHA, ROOK, OCHCC and the OIBC and the concurring partners with ...”

k. Signature Page

delete ~~Concur: NHOs~~

Insert

OFFICE OF HAWAIIAN AFFAIRS

By: _____ Date: _____

Chairperson Haunani Apoliona

ROYAL ORDER OF KAMEHAMEHA I

By: _____ Date: _____

Ali`i Nui & Grandmaster Ali`i Sir Gabriel Makuakane, K.G.C.K.

O`AHU COUNCIL OF HAWAIIAN CIVIC CLUBS

By: _____ Date: _____

President Ms. Jalna Keala

O`AHU ISLAND BURIAL COUNCIL

By: _____ Date: _____

Chairman Van Horn Diamond

I. Appendix G.

Insert

Royal Order of Kamehameha I (Statewide organization)

Royal Order of Kamehameha I, Hawai`i Chapter

O`ahu Council of Hawaiian Civic Clubs

Friends of Honouliuli

Hawaiian Civic Club of Wahiawa

Northshore Community land Trust

The Friends of Kukaniloko

`Ike`Aina – Native Hawaiian Land Trust

Wahiawa Community Business Association

m. Appendix D

Insert

8. Refer to Stipulation; II. Planning and Coordination of Installation Activities to Implement SBCT; A. Personnel; (3) "Cultural Monitor.

PTA Cultural Advisory Council Meeting at PTA
Monday, April 14, 2003, 9:00 a.m.

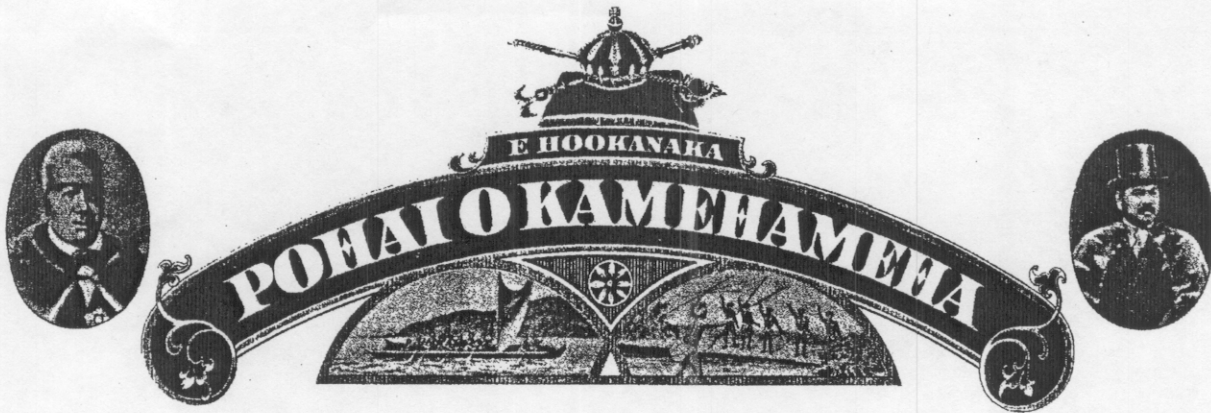
The Pohakuloa Training Area (PTA) Cultural Advisory Council met to provide input and comment on the Draft Programmatic Agreement being developed to proceed with cultural resources investigations in compliance with the National Historic Preservation Act of 1966, as amended. The discussions progressed as follows:

PA COMMENTS

- PA page 7, Part IV A (1) change” may” be developed to “will” be developed if consultation suggests.
- PA page 5, Part III C (1) “shall not be disclosed to public” will be problematic with Hawaiians-needs to be reworded.
- PA page 8, Part V sequencing errors, A, B, E, where is D and E?
- PA page 6, Part III, D 7 “adverse effect cannot be resolved”, need to consult with Hawaiian groups (see page 4 (4), repeat.
- PA page 2, whereas clauses, see Appendix G” regarding Hawaiian definition of consultants. The more clear the document language (for the Hawaiians) the possibility of agreement becomes easier. Make Hawaiians feel they are part of the document.
- Page 3, Part II A (1) qualifications. What about the Hawaiians? Cultural knowledge recognized by Hawaiians should be recognized by the military also. Suggest strengthening whereas clauses regarding Section G.
- Page 8, Part IV E “Native Hawaiian Organization” move paragraph up front-- “interested parties”, individual cultural specialist with no ties to Hawaiian organizations. Dr. Lucking: The history of this PA is got a late start, this designation was in earlier version, will put back in. Critical to have the Hawaiians at the table to express their concerns.
- PA, Page 4, Part III A (3) & Part IV E (1) add Native Hawaiian Organizations, families and individuals; insert III (new section) under stipulations.
- Discussion ensued, processes of military notifying HIBC/newspapers regarding “oiwi discovered”, this relates to the treatment of human remains page 7, Part IV C. Same section, Page 7, add “in accordance with Appendix G.”
- PA, Page 8, Part IV E (1) and F, Native Hawaiian organization delete, more inclusive.
- PA, Add Kahuokahiku to appendix G
- PA, Page 10, Part VI, C “dispute resolution” very important section. Ray Soon sits on National Advisory Council (22 members), makes decisions on Hawaiian issues. SHPD-Hawaiian resolves issues--if stand still kicks in
- Signatory Parties to PA--implement agreement (liaison), Army, SHPD, Advis.Council. Why is OHA not a signatory? Laurie will check on this.
- Suggest process steps for resolution be spelled out to ensure Native Hawaiian adequately represented. Minimize or eliminate political pressure.
- Body (CAC) feels an intermediary level for conflict resolution be in place BEFORE going to National level. (How does an individual/ family, etc. get recognition to participate in the conflict?).

- Community↔ PTA commander have a process for a) education; b) dialogue i.e. Hawaiian Homestead Assoc.; suggest “talk story” format, visual (site visits) very effective!
- Get Auntie Mabel Tolentino on this panel (HCC Po’o Hi Island).
- Kamehameha Day Parade/activities: PTA have info booth/participate in parade. Norman will get parade coordination names phone # for Jerry.
- Education program in place for military and has been implemented. Suggest this activity be mentioned in the PA (include specifics regarding artifacts/cultural sites [special/spiritual, etc.]). Makua Valley has in place now (12 lecture series; utilizing notable Hawaiian figures).
- Suggest Hawaiian subcommittee to work with Laurie?
- Jerry, need to develop a “talk story” format for ground roots people.
- May 9 cut-off date for PA comments, need to cover other groups; summarize and rewrite, issue revised edition END OF MAY.
- Discussion ensued regarding venue for education meetings--Waikoloa school/hotel/need to look at/ID “target” other communities i.e. Kohala, Waimea, Waikoloa (the ones most impacted by military activity).

Discussions concluded, next meeting scheduled at 9 a.m. on Monday, May 19 at PTA.



Office of the Ali'i AiMoku
Ali'i Sir Edward Akana, K.G.C.K.
441 Hiilani Street
533-0362

April 28, 2003

Dr. Laurie J. Lucking, Cultural Resource Manager
Environmental Division
Directorate of Public Works
Bldg. 105, Wheeler Army Airfield
United States Army Garrison, Hawaii (APVG-GWV)

Dear Dr. Lucking:

Section 106 of the National Historic Preservation Act of 1966 mandates that on federal projects the federal government needs to consult with a Native Hawaiian organization. All the Native Hawaiian organization is required to do is to submit a request to the agency to participate as a consulting Native Hawaiian organization.

The Royal Order of Kamehameha I is an organization that was established in 1865 by Kamehameha V in honor of his grandfather Kamehameha I. It is the oldest Hawaiian organization in existence today and is considered the senior and most respected of the Royal Societies. Amongst these Royal Societies are Ka'ahumanu Society, Mamakakaua (Daughters and Sons of Hawaiian Warriors), Hale O Na Ali'i and the Royal Order of Kamehameha I. The mission of the Royal Order of Kamehameha I has been to preserve and perpetuate the ancient customs and traditions of Hawai'i and to encourage and develop leadership. As part of this mission is the preservation and care of all the ancient sacred sites throughout all of Hawai'i Nei.

The Royal Order of Kamehameha I has chapters on every major island to include two on the Island of Oahu; Hawaii Chapter 1 and Kuhio Chapter 6. There are two chapters on the Island of Hawai'i to include Mamalahoa Chapter 2 and Kona Chapter 7.

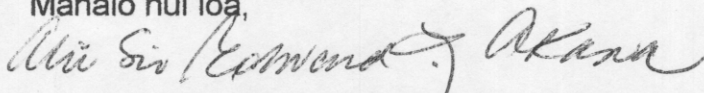
I Ali'i Sir Edward Akana, K.G.C.K. am the Ali'i AiMoku of Hawaii Chapter 1 the oldest chapter in the Royal Order of Kamehameha I. We are located on the Island of Oahu in Honolulu. As the Ali'i AiMoku of Hawaii Chapter 1 I formally

request as mandated by Section 106 of the National Historic Preservation Act of 1966 participation as a consulting Native Hawaiian organization in the U. S. Army's expansion of all their training facilities to include the U. S. Army Transformation of the 2nd Brigade, 25th Infantry (Light) to a Stryker Brigade Combat Team as mandated by Section 106 of the National Historic Preservation Act of 1966. We ask that this be reflected in the language of the regional Programmatic Agreement and also on the signature page as a concurring signatory.

We further request that the phrase "Royal Order of Kamehameha I" be inserted wherever it states in the PA "and Native Hawaiian organizations." For example, wherever it states "the Hawai'i State Historic Preservation Division, the Advisory Council of Historic Preservation and other Native Hawaiian organizations" be replaced with "the Hawai'i State Historic Preservation Division, the Advisory Council of Historic Preservation, the Royal Order of Kamehameha I and other Native Hawaiian organizations."

If you have any questions please feel free to contact me at 533-0362 or Ali'i Sir Shad S. Kane, K.C.K. of Hawai'i Chapter 1 at home at 672-4765 or by e-mail at kiha@hawaii.rr.com.

Mahalo nui loa,

A handwritten signature in cursive script, reading "Ali'i Sir Edward Akana".

Ali'i Sir Edward Akana, K.G.C.K. Ali'i AiMoku
Hawaii Chapter 1
Royal Order of Kamehameha I



April 28, 2003

Office of the Ali'i Nui
Ali'i Sir Gabriel Makuakane, K.G.C.K.
74-4142 Kai Opua Road
Kailua-Kona, HI 96740
home phone 326-1528

Dr. Laurie J. Lucking, Cultural Resource Manager
Environmental Division
Directorate of Public Works
Bldg. 105, Wheeler Army Airfield
United States Army Garrison, Hawaii (APVG-GWV)

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The Royal Order of Kamehameha I has chapters on every major island to include two on the Island of Oahu; Hawaii Chapter 1 and Kuhio Chapter 6. There are two chapters on the Island of Hawai'i to include Mamalahoa Chapter 2 and Kona Chapter 7.

I Ali'i Nui Ali'i Sir Gabriel Makuakane, K. G.C.K. and Grandmaster of the statewide organization of the Royal Order of Kamehameha I formally request as mandated by Section 106 of the National Historic Preservation Act of 1966

participation as a consulting Native Hawaiian organization in the U. S. Army expansion of all their training facilities to include the U. S. Army Transformation of the 2nd Brigade, 25th Infantry (Light) to a Stryker Brigade Combat Team as mandated by Section 106 of the National Historic Preservation Act of 1966. We ask that this be reflected in the language of the regional Programmatic Agreement and also on the signature page as a concurring signatory.

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Mahalo nui loa,

Ali'i Sir Gabriel Makuakane, K.G.C.K.

Ali'i Sir Gabriel Makuakane, K.G.C.K., Ali'i Nui and Grandmaster
Royal Order of Kamehameha I

*Ali-Mua
& Grand Ma
5-01-02*

Change made